Agency Legislative Proposal - 2021 Session

Document Name: 100120_DOT_Ped Bike Safety

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Department of Transportation

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Lead agency division requesting this proposal: Bureau of Policy and Planning

Agency Analyst/Drafter of Proposal: Tom Maziarz; Garrett Eucalitto

Title of Proposal: AAC Pedestrian and Bicycle Safety.

Statutory Reference: 14-1; 14-218a; 14-251; 14-286; 14-300; 51-164n

Proposal Summary:
1. To enable municipalities to change speed limits on municipal-owned roads;
2. To allow municipalities or the Department to create a pedestrian safety zone;
3. To require motorists to grant the right-of-way to a pedestrian who is standing at the curb and who affirmatively indicates their intention to cross the road in a crosswalk;
4. To clarify that vehicles must not be parked within 25 feet of a marked crosswalk whether it is in an intersection or at mid-block; and
5. To require people in a vehicle to open their door with a degree of care for moving traffic (vehicles, bicyclists, and pedestrians).

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

1. Municipally Established Speed Limits. Currently, CGS 14-218a only allows the Office of State Traffic Administration (OSTA) to establish or change a speed limit on a state-owned or a municipal-owned road. Municipalities that wishes to change a speed limit must request the change through OSTA. This proposal would amend 14-218a to enable municipalities to change speed limits on municipal-owned roads bringing Connecticut into alignment with the majority of states who allow municipalities set speed limits.

Individual municipalities and statewide associations such as CCM and COST have advocated for local authority to change speed limits on municipally owned roads.

2. Pedestrian Safety Zones. This proposal amends 13-218a to allow municipalities or the Department to create a pedestrian safety zone. This is a type of speed zone that allows the speed limit to be set as low

as 20 mph to reduce the risk of fatal or serious injuries to pedestrian involved in a collision with a motor vehicle. Such zones can only be created in a downtown district or community center with a high level of pedestrian activity.

Pedestrian fatalities increased significantly over the last five years in Connecticut as well as nationally. This is happening even as other types of traffic fatalities are declining. The U.S. Department of Transportation (USDOT) and many states are initiating new programs to stem this undesirable trend. ConnDOT is currently developing a comprehensive pedestrian safety strategy to address the problem. The proposed enabling pedestrian safety zones is a major component of the program. It allows speed limits in the zone to set as low as 20 mph and also requires the reduced speed limit to be complemented by other speed reduction methods like traffic calming and increased police enforcement. The proposed pedestrian safety zone legislation is modeled after legislation enacted Massachusetts a couple of years ago.

3. Pedestrian Safety at Crosswalks. This proposal amends CGS 14-300 to increase the safety of pedestrians by requiring motorists to grant the right-of-way to a pedestrian who is standing at the curb and who affirmatively indicates their intention to cross the road in a crosswalk. Current statute requires the driver to yield only if the pedestrian is already in the crosswalk.

Under current law, pedestrians must step into the crosswalk before the driver is required to yield. Stepping into the road before traffic stops, puts the pedestrian risk of being hit by moving vehicles. This proposal requires the driver to stop whenever the pedestrian "steps to the curb at the entrance to the crosswalk and indicates his or her intent to cross the roadway by raising his or her hand and arm toward oncoming traffic." It also allows other types of gestures for those physically unable to raising their arm. The proposal is similar to statutes in the State of Maine that requires a driver to stop if a pedestrian signals their intent to cross.

4. Parked Vehicles Must Not Obstruct View of Crosswalk. This proposal amends CGS Sec. 14-251 to clarify that vehicles must not be parked within 25 feet of a marked crosswalk - whether it is in an intersection or at mid-block. It allows exceptions to reduce the distance to 10 feet where there is a curb extension equal to the width of the parking lane.

The intent of this proposal is to ensure a driver has a clear line of sight to a pedestrian standing at the curb or entrance to a crosswalk. If a driver is unable to see the entrance to the crosswalk he cannot recognize when a pedestrian enters the crosswalk or signals his intent to cross. Cars parked less than 25 feet from a crosswalk can block a driver's view.

5. Opening Car Door Must Not Endanger Bicyclists. This proposal is intended to reduce the hazards posed to bicyclists posed by drivers or occupants of a parked car opening a car door into the path of an oncoming bicyclists. Cyclists who regularly ride in traffic on urban streets are occasionally injured by a car door opening unexpectedly as they are passing a parked car. If there is insufficient time for the cyclist to react, they can be seriously injured by being thrown from their bike or veering into moving traffic. This hazard known as "dooring" can be prevented if drivers look behind them before opening the door. The same hazard is occasionally faced by pedestrians walking on sidewalks next to a parking lane.

Under this provision, the driver or occupant who injures a bicyclist or other vulnerable users by opening a door into the path of the vulnerable user is subject to a $90 fine. The driver can also be fined for leaving a door open that obstructs the path of cyclists or vulnerable users for longer than it takes to unload passengers.

◊ **Origin of Proposal** ☐ **New Proposal** ☐ **Resubmission**

These initiatives are all a part of the Department's proposed comprehensive pedestrian safety program. As such, they all should be viewed and originated for a much broader pedestrian safety program the Department is initiating. However, two of the elements of the proposed legislative package derive from HB 5324 (2020 Legislative Session).

1. Municipally Established Speed Limits. The enabling authority for municipal speed limits was included in HB 5324 during the 2020 legislative session. It was supported by municipalities, CCM, COST, and pedestrian advocacy groups. It is also part of the comprehensive pedestrian safety strategy that ConnDOT is developing in response to rising pedestrian fatalities in Connecticut and across the nation.

2. Pedestrian Safety Zones. This is a new proposal and is also part of ConnDOT's comprehensive pedestrian safety strategy.

3. Pedestrian Safety at Crosswalks. This proposal was also was also included in HB 5324 during the 2020 legislative session. It was supported by municipalities, CCM, COST, and pedestrian advocacy groups and is also part of the Department's comprehensive pedestrian safety strategy.

4. Parked Vehicles Must Not Obstruct View of Crosswalk. This is a new proposal and part of the Department's comprehensive pedestrian safety strategy.

5. Opening Car Door Must Not Endanger Bicyclists. This is a new proposal but has been previously discussed at the legislature. Like the other proposals in this package, it is also part of the comprehensive pedestrian safety strategy that CTDOT in developing in response to rising pedestrian fatalities in Connecticut and across the nation.

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: Department of Motor Vehicles
Agency Contact (*name, title, phone*): Millie Torres-Ferguson; Sharon Geanuracos
Date Contacted: 9.29.2020

Approve of Proposal ☐ **YES** ☐ **NO** ☒ **Talks Ongoing**

Summary of Affected Agency's Comments

Will there need to be further negotiation? ☐ **YES** ☐**NO**
Agency Name: Department of Emergency Services and Public Motor Vehicles **Agency Contact (*name, title, phone*):** Scott Devico **Date Contacted:** 9.29.2020 Approve of Proposal ☐ **YES** ☐ **NO** ☒ **Talks Ongoing**
Summary of Affected Agency's Comments
Will there need to be further negotiation? ☐ **YES** ☐**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal: 1. Municipally Established Speed Limits. Enabling municipalities to set their own speed limits will require participating municipalities to conduct engineering studies using their own staff or hiring a consultant for each speed limit they propose to change 2. Pedestrian Safety Zones. Enabling pedestrian safety zones will require participating municipalities to conduct engineering studies using their own staff or hiring a consultant for each pedestrian safety zone they create.
State: 2. Pedestrian Safety Zones. Small cost to add speed management training classes through our contract with UConn. Moderate cost to contract with UConn to conduct before and after studies for newly created pedestrian safety zones. These will serve to gauge the effectiveness of pedestrian safety zones.
Federal None.
Additional notes on fiscal impact

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

These changes will allow CTDOT to advance elements of the Comprehensive Pedestrian Safety Strategy it is developing.

◊ **EVIDENCE BASE**

1. Municipally Established Speed Limits. ConnDOT will track which municipalities choose to assume responsibility for changing speed limits. ConnDOT will also continue to maintain the inventory of speed limits posted on all roads (state-owned or municipal-owned) in each municipality.

2. Pedestrian Safety Zones. ConnDOT will maintain an inventory of all pedestrian safety zones in Connecticut. ConnDOT will also prepare the Before and After studies for each newly created pedestrian zone in the state. These studies will be used to determine the effectiveness of these zones in reducing traffic speeds, traffic crashes, and pedestrian injuries and fatalities.

3. Pedestrian Safety at Crosswalks. ConnDOT will evaluate the effect of this change in crosswalk legislation on pedestrian injuries and fatalities. The study will be conducted three years after implementation since it is standard practice to collect at least three years of traffic crash data to ensure statistically significant results.

AAC Pedestrian and Bicycle Safety.

Section 1. Section 14-218a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) No person shall operate a motor vehicle upon any public highway of the state, or road of any specially chartered municipal association or any district organized under the provisions of chapter 105, a purpose of which is the construction and maintenance of roads and sidewalks, or on any parking area as defined in section 14-212, or upon a private road on which a speed limit has been established in accordance with this subsection, or upon any school property, at a rate of speed greater than is reasonable, having regard to the width, traffic and use of highway, road or parking area, the intersection of streets and weather conditions. The Office of the State Traffic Administration may determine speed limits which are reasonable and safe on any state highway, bridge or parkway built or maintained by the state, and differing limits may be established for different types of vehicles, and may erect or cause to be erected signs indicating such speed limits. Except as provided in subsection (d) of this section and Section 2 of this act, the traffic authority of any town, city or borough may establish speed limits on streets, highways and bridges or in any parking area for ten cars or more or on any private road wholly within the municipality under its jurisdiction; provided such limit on streets, highways, bridges and parking areas for ten cars or more shall become effective only after application for approval thereof has been submitted in writing to the Office of the State Traffic Administration and a certificate of such approval has been forwarded by the office to the traffic authority; and provided such signs giving notice of such speed limits shall have been erected as the Office of the State Traffic Administration directs, provided the erection of such signs on any private road shall be at the expense of the owner of such road. The presence of such signs adjacent to or on the highway or parking area for ten cars or more shall be prima facie evidence that they have been so placed under the direction of and with the approval of the Office of the State Traffic Administration. Approval of such speed limits may be revoked by the Office of the State Traffic Administration at any time if said office deems such revocation to be in the interest of public safety and welfare, and thereupon such speed limits shall cease to be effective and any signs that have been erected shall be removed. Any speed in excess of such limits, other than speeding as provided for in section 14-219, shall be prima facie evidence that such speed is not reasonable, but the fact that the speed of a vehicle is lower than such limits

shall not relieve the operator from the duty to decrease speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(b) The Office of the State Traffic Administration shall establish a speed limit of sixty-five miles per hour on any multiple lane, limited access highways that are suitable for a speed limit of sixty-five miles per hour, taking into consideration relevant factors including design, population of area and traffic flow.

(c) Any person who operates a motor vehicle at a greater rate of speed than is reasonable, other than speeding, as provided for in section 14-219, shall commit the infraction of traveling unreasonably fast.

(d) Subject to the provisions of subsections (d) to (f), inclusive, of this section, the traffic authority of any town, city or borough may establish or modify speed limits on streets, highways and bridges or in any parking area for ten cars or more wholly within the municipality under its jurisdiction without the need for approval by the Office of the State Traffic Administration. A traffic authority that elects to establish and modify such speed limits shall do so for all streets, highways and bridges or in any parking area for ten cars or more wholly within the municipality under its jurisdiction including the responsibility for maintaining speed limit records. Any traffic authority that elects to establish speed limits on municipally owned roadways must notify the Office of the State Traffic Administration in writing of its intention to assume responsibility and authority for establishing speed limits. Once a traffic authority has notified the Office of the State Traffic Administration of its intention to establish speed limits on municipally owned roads, it need not seek approval from OSTA for any changes to individual speed limits. However, it must notify the Department of Transportation of each individual change so that a statewide inventory of speed limits can be maintained. Any speed limits previously approved by the Office of the State Traffic Administration shall remain in effect until modified by the municipality.

(e) Prior to establishing or modifying speed limits pursuant to subsection (d) of this section, a traffic authority must conduct an engineering study in accordance with the federal Manual of Uniform Traffic Control Devices and other generally accepted engineering principles and guidance. Such study must be completed by a licensed Professional Engineer in the State of Connecticut, and must take into consideration other factors such as pedestrian activity, type of land use and development, parking, and record of traffic crashes. No speed limit may be set lower than 25 miles per hour except for an approved pedestrian safety zone, established under section 2 of this act, or unless the engineering study indicates a lower limit is justified. Warning signs indicating “Reduced Speed Limit Ahead” must be installed where a speed limit is being reduced by more than 10 MPH.

(f) The Office of the State Traffic Administration may establish regulations to further carryout the provisions of subsections (d) and (e) of this section.

Sec. 2 (NEW) (*Effective July 1, 2021*):

(a) Subject to the provisions of this section, the traffic authority of any town, city or borough may establish a pedestrian safety zone on streets, highways and bridges or in any parking area for ten cars or more wholly within the municipality under its jurisdiction provided that (1) the posted speed limit is not less than 20 miles per hour, (2) the zone shall encompass a clearly defined downtown district or community center frequented by pedestrians, and (3) warning signs indicating “Reduced Speed Limit Ahead” must be installed where a speed limit is being reduced by more than 10 MPH.

(b) In order to establish a pedestrian safety zone a traffic authority (1) must conduct an engineering study in accordance with the federal Manual on Uniform Traffic Control Devices; (2) may consider other generally accepted engineering principles and guidance; (3) must take into consideration other factors such as pedestrian activity, type of land use and development, parking, and record of traffic crashes; and, (4) must use a Professional Engineer licensed in the State of Connecticut to prepare the engineering study. If the study recommends establishment of a pedestrian safety zone, the study must also include a speed management plan and the intended complementary actions that will be implemented to achieve lower vehicular speeds. In municipalities where the Office of the State Traffic Administration has retained the authority to approve speed limits on municipal roadways in accordance with section 14-218a, as amended by this Act, the traffic authority shall notify the Office of the State Traffic Administration of the establishment of any pedestrian safety zones and such notification shall be considered confirmation that the provisions of this section have been followed.

(c) A traffic authority that seeks to have a pedestrian safety zone established on a state highway that passes through its downtown or community center must submit a request, along with the necessary engineering study and speed management plan pursuant to subsection b of this section, to the Office of the State Traffic Administration.

(d) The Commissioner of the Department of Transportation may submit a request to establish a pedestrian safety zone on a state highway that passes through a downtown or community center, and any such request must meet the same requirements as those described for municipalities in this section. The required engineering study and related materials must be submitted to the Office of the State Traffic Administration.

(e) In all such instances where a proposal to establish a pedestrian safety zone is submitted for a state highway, the Office of the State Traffic Administration shall have the sole authority to establish such zones.

(f) The Office of the State Traffic Administration may establish regulations to further carryout the provisions of subsections (d) and (e) of this section.

Sec. 3. Subsection (c) of section 14-300 of the general statutes is repealed and the following is substituted in lieu thereof *(Effective October 1, 2021)*:

(c) Except as provided in subsection (c) of section 14-300c, at any crosswalk marked as provided in subsection (a) of this section or any unmarked crosswalk, provided such crosswalks are not controlled by police officers or traffic control signals, each operator of a vehicle shall grant the right-of-way, and slow or stop such vehicle if necessary to so grant the right-of-way, to any pedestrian crossing the roadway within such crosswalk. [, provided such pedestrian steps off the curb or into the crosswalk at the entrance to a crosswalk or is within that half of the roadway upon which such operator of a vehicle is traveling, or such pedestrian steps off the curb or into the crosswalk at the entrance to a crosswalk or is crossing the roadway within such crosswalk from that half of the roadway upon which such operator is not traveling.] For the purposes of this subsection, a pedestrian is "crossing the roadway within such crosswalk" when the pedestrian (1) is within any portion of the crosswalk, (2) steps to the curb at the entrance to the crosswalk and indicates his or her intent to cross the roadway by raising his or her hand and arm toward oncoming traffic, or (3) indicates his or her intent to cross the roadway by moving any part of his or her body or an extension thereof, including, but not limited to, a wheelchair, cane, walking stick, crutch, bicycle, electric bicycle, stroller, carriage, cart or leashed or harnessed dog, into the crosswalk at the entrance to the crosswalk. No operator of a vehicle approaching from the rear

shall overtake and pass any vehicle, the operator of which has stopped at any crosswalk marked as provided in subsection (a) of this section or any unmarked crosswalk to permit a pedestrian to cross the roadway. The operator of any vehicle crossing a sidewalk shall yield the right-of-way to each pedestrian and all other traffic upon such sidewalk.

Sec. 4. Section 14-251 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

No vehicle shall be permitted to remain stationary within ten feet of any fire hydrant, or upon the traveled portion of any highway except upon the right-hand side of such highway in the direction in which such vehicle is headed; and, if such highway is curbed, such vehicle shall be so placed that its right-hand wheels, when stationary, shall, when safety will permit, be within a distance of twelve inches from the curb, except if a bikeway, as defined in section 13a-153f, or such bikeway's buffer area, as described in the federal Manual on Uniform Traffic Control Devices, is in place between the parking lane and the curb, such vehicle shall be so placed that its right-hand wheels, when stationary, shall, when safety will permit, be within a distance of twelve inches from the edge of such bikeway or buffer area. No vehicle shall be permitted to remain parked within twenty-five feet of an intersection or an approach to a marked crosswalk [at such intersection], except within ten feet of such intersection or marked crosswalk if such intersection or marked crosswalk has a curb extension treatment with a width equal to or greater than the width of the parking lane and such intersection is located in and comprised entirely of highways under the jurisdiction of the city of New Haven, or within twenty-five feet of a stop sign caused to be erected by the traffic authority in accordance with the provisions of section 14-301, except where permitted by the traffic authority of the city of New Haven at the intersection of one-way streets located in and comprised entirely of highways under the jurisdiction of the city of New Haven. No vehicle shall be permitted to remain stationary upon the traveled portion of any highway at any curve or turn or at the top of any grade where a clear view of such vehicle may not be had from a distance of at least one hundred fifty feet in either direction. The Commissioner of Transportation may post signs upon any highway at any place where the keeping of a vehicle stationary is dangerous to traffic, and the keeping of any vehicle stationary contrary to the directions of such signs shall be a violation of this section. No vehicle shall be permitted to remain stationary upon the traveled portion of any highway within fifty feet of the point where another vehicle, which had previously stopped, continues to remain stationary on the opposite side of the traveled portion of the same highway. No vehicle shall be permitted to remain stationary within the limits of a public highway in such a manner as to constitute a traffic hazard or obstruct the free movement of traffic thereon, provided a vehicle which has become disabled to such an extent that it is impossible or impracticable to remove it may be permitted to so remain for a reasonable time for the purpose of making repairs thereto or of obtaining sufficient assistance to remove it. Nothing in this section shall be construed to apply to emergency vehicles and to maintenance vehicles displaying flashing lights or to prohibit a vehicle from stopping, or being held stationary by any officer, in an emergency to avoid accident or to give a right-of-way to any vehicle or pedestrian as provided in this chapter, or from stopping on any highway within the limits of an incorporated city, town or borough where the parking of vehicles is regulated by local ordinances. Violation of any provision of this section shall be an infraction.

Sec. 5. (NEW) (*Effective October 1, 2021*):

No person shall open the door of a motor vehicle on the roadways, streets, or highways of this state, available to moving traffic, unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, including the travel of a pedestrian or a person riding a bicycle, as defined in section 14-286 of the general statutes, on a highway, as defined in section 14-1 of the general statutes, as well as on sidewalks, shoulders, or bicycle lanes. No person shall leave a door open on the side of a vehicle available to moving traffic, including the travel of a pedestrian or a person riding a bicycle, as defined in section 14-286 of the general statutes, on a highway, as defined in section 14-1 of the general statutes, as well as on sidewalks, shoulders, or bicycle lanes, for a period of time longer than necessary to load or unload passengers. Any person who violates a provision of this section shall be subject to a fine of ninety dollars in accordance with the provisions of section 51-164n of the general statutes, as amended by this act.

Sec. 6. Subsections (a) and (b) of section 14-219 of the general statutes is repealed and the following is substituted in lieu thereof *(Effective October 1, 2021)*:

(a) No person shall operate any motor vehicle (1) upon any highway, road or any parking area for ten cars or more, at such a rate of speed as to endanger the life of any occupant of such motor vehicle, but not the life of any other person than such an occupant; (2) at a rate of speed greater than fifty-five miles per hour upon any highway other than a highway specified in subsection (b) of section 14-218a, for which a speed limit has been established in accordance with the provisions of said subsection; (3) at a rate of speed greater than sixty-five miles per hour upon any highway specified in subsection (b) of section 14-218a, for which a speed limit has been established in accordance with the provisions of said subsection; or (4) if such person is under eighteen years of age, upon any highway or road for which a speed limit of less than sixty-five miles per hour has been established in accordance with subsection (a) or (d) of section 14-218a, as amended by this act, at a rate of speed more than twenty miles per hour above such speed limit.

(b) Any person who operates a motor vehicle (1) on a multiple lane, limited access highway other than a highway specified in subsection (b) of section 14-218a, for which a speed limit has been established in accordance with the provisions of said subsection at a rate of speed greater than fifty-five miles per hour but not greater than seventy miles per hour, (2) on a multiple lane, limited access highway specified in subsection (b) of section 14-218a, for which a speed limit has been established in accordance with the provisions of said subsection at a rate of speed greater than sixty-five miles per hour but not greater than seventy miles per hour, (3) on any other highway at a rate of speed greater than fifty-five miles per hour but not greater than sixty miles per hour, or (4) if such person is under eighteen years of age, upon any highway or road for which a speed limit of less than sixty-five miles per hour has been established in accordance with subsection (a) or (d) of section 14-218a, as amended by this act, at a rate of speed more than twenty miles per hour above such speed limit, shall commit an infraction, provided any such person operating a truck, as defined in section 14-260n, shall have committed a violation and shall be fined not less than one hundred dollars nor more than one hundred fifty dollars.

Sec. 7. Subsection (b) of section 51-164n of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-

292, 12-314b or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (f) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in subsection (f) of section 14-164i, section 14-219 as specified in subsection (e) of said section, subdivision (1) of section 14-223a, section 14-240, 14-250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h) of section 14-283, section 14-291, 14-293b, 14-296aa, 14-300, 14-300d, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 5 of this act, section 15-25 or 15-33, subdivision (1) of section 15-97, subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17b-124, 17b-131, 17b-137, 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, subsection (b) of section 20-334, 20-341*l*, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63 or 21-76a, subsection (c) of section 21a-2, subdivision (1) of section 21a-19, section 21a-21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159, subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49 or 22-54, subsection (d) of section 22-84, section 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-461, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344, subsection (c) of section 53-344b, or section 53-450, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-

410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.

Agency Legislative Proposal - 2021 Session

Document Name: 100120_DOT_P3 Revisions

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pam Sucato
Phone: 860.594.3013
E-mail: pamela.sucato@ct.gov

Lead agency division requesting this proposal: Bureau of Engineering & Construction

Agency Analyst/Drafter of Proposal: Mark Rolfe, 860.594.3007; Garrett Eucalitto, 860.594.3050

Title of Proposal: AA Revising P3 Statues to Facilitate Project Delivery.

Statutory Reference: 4-255; 4-256; 4-259; 4-261

Proposal Summary:
Revise existing public-private partnerships (P3) statutes to enhance the Department's ability to utilize these agreements in designing, developing, financing, constructing, operating or maintaining projects. The amendments proposed will enable private capital to be used to build and enhance transportation infrastructure in a manner consistent with other state DOT's successful implementation and use of P3s.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

To provide a workable project delivery option for transportation projects. P3 projects allow public sector owners to delegate the design, construction, operation and maintenance of a facility to a private entity. Essentially P3 projects allow infrastructure owners to transfer risk for project delivery from the public sector to the private sector. Additionally, the financing for P3 projects is undertaken by the private sector allowing private investment to replace public debt. Financing and the associated debt service are the responsibility of the P3 concessionaire, not the State of Connecticut.

The federal government and the Federal Highway Administration (FHWA) have promoted P3 project delivery as a way to leverage scarce public funds with private capital to deliver public projects. FHWA's Center for Innovative Finance Support has developed procedures and guidance for DOTs contemplating P3 procurements. Approximately 20 states have successfully developed P3 projects to date. Connecticut P3 legislation passed in 2011 contains several restrictive agreement requirements, such as the limited definition of "project," 25% state participation requirement, and the inability to finance with availability payments. As a result, the state has not been successful in securing a P3 agreement or attracting any participating interest from private entities.

The following is a link to the FHWA's P3 page and summary of other state's P3 initiatives.
https://www.fhwa.dot.gov/ipd/p3/legislation/

In addition, the American Association of State Highway and Transportation Officials (AASHTO) offers expert advice and training through its Build America Transportation Investment Center (BATIC) Institute. The Department is a member of AASHTO and therefore has direct access to the BATIC Institute resources. Additional information can be found at http://www.financingtransportation.org/

◊ **Origin of Proposal** ☐ **New Proposal** ☒ **Resubmission**

Public Private Partnership (P3) language passed in 2011 and was seen as an opportunity for the State to work with private entities to pursue public projects. Since 2011, the State has not been successful in taking advantage of P3 agreements due to restrictive requirements. This bill amends the current P3 statutes to enhance the Department's ability to utilize P3 agreements to design, build, finance, operate and maintain transportation projects.

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name:
Agency Contact (*name, title, phone*):
Date Contacted:

Approve of Proposal ☐ **YES** ☒ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments

Will there need to be further negotiation? ☐ **YES** ☐**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal: N/A

State: Most of the costs related to this legislation will be associated with P3 project development and will therefore be chargeable to specific projects. Upon approval of the legislation however, policies and procedures must be drafted to ensure appropriate protections and business practices are in place. Startup costs are estimated at $250,000.

Federal: P3 projects procured using federal funds must follow federal regulations and guidelines.

Additional notes on fiscal impact: P3s are long-term and complex agreements addressing many facets of project design, construction, operations, finance, and maintenance. Structuring these requirements into an agreement requires sophisticated analysis and expert advice. Research into best practices and creating a policy framework for the agency is essential for a successful P3 outcome. The

proposed startup costs include a staff project manager and an expert consultant to establish business practices and procedures for the Department.

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

◊ **EVIDENCE BASE**

AA Revising P3 Statutes to Facilitate Project Delivery.

Section 1. Section 4-255 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021):*

(a) As used in this section and sections 4-256 to 4-263, inclusive, unless the context indicates a different meaning:

(1) "State agency" or "agency" means any office, department, board, council, commission, institution or other agency in the executive branch of state government [or a quasi-public agency as defined in section 1-120];

(2) "Private entity" means any individual, corporation, general partnership, limited partnership, limited liability partnership, joint venture, nonprofit organization or other business entity;

(3) "Public-private partnership" means the relationship established between a state agency and a private entity by contracting for the performance of any combination of specified functions or responsibilities to design, develop, finance, construct, operate or maintain a project [one or more state facilities where the agency has estimated that the revenue generated by such facility or facilities, in combination with other previously identified funding sources, including any appropriated funds, will be sufficient to fund the cost to develop, maintain and operate such facility or facilities, provided state support of a partnership agreement shall not exceed twenty-five per cent of the cost of the project];

(4) "Partnership agreement" means an agreement executed between a state agency and a private entity to establish a public-private partnership;

(5) "Project" means a project that an agency has submitted to the Governor for approval as a public-private partnership;
(6) "Contractor" means a private entity that has entered into a public-private partnership agreement with a state agency; and

[(7) "Facility" means any public works or transportation project used as public infrastructure that generates revenue as a function of its operation; and]

(7)[(8)] "Proposer" means a private entity submitting a competitive bid in response to solicitation or a proposal in response to a request for proposals for an approved project for consideration.

(b) Notwithstanding the provisions of section 4b-51, once the project is approved by the Governor in accordance with section 4-256, any state agency may establish one or more public-private partnerships and execute a partnership agreement for a project in accordance with this section and sections 4-256 to 4-263, inclusive. A partnership agreement may not be established for the operation or maintenance of a facility unless such agreement also provides for the financing and development of such facility.

[(c) The design, development, operation or maintenance of the following new or existing project types are eligible for consideration as a public-private partnership if approved as a project in accordance with section 4-256:

(1) Early childcare, educational, health or housing facilities;

(2) Transportation systems, including ports, transit-oriented development and related infrastructure; and

(3) Any other kind of facility that may from time to time be designated as such by an act of the General Assembly.]

Sec. 2. Section 4-256 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021):*

(a) [On and after October 27, 2011, and prior to January 1, 2016, the Governor shall approve not more than five projects to be implemented as public-private partnership projects. The Governor shall not approve any such project unless the Governor finds that the project will result in job creation and economic growth.] Any agency seeking to establish a public-private partnership shall, after consultation with the Commissioner[s] of [Economic and Community Development,] Administrative Services [and Transportation], the State Treasurer and the Secretary of the Office of Policy and Management, submit one or more projects to the Governor for approval. The Governor shall not approve any such project unless the Governor finds that the project will result in job creation and economic growth.

(b) In determining whether a project is suitable for a public-private partnership agreement, the agency shall conduct an analysis of the feasibility, desirability and the convenience to the public of the project and whether the project furthers the public policy goals of section 4-255, [this section and sections 4-257 to 4-263, inclusive,] taking into consideration the following, when applicable:

(1) The essential characteristics of the proposed [facility] project;
(2) The [projected] anticipated demand for use of the [facility] project and its economic and social impact on the community and the state;

(3) The technical function and feasibility of the project and its conformity with the state plan of conservation and development adopted under chapter 297;

(4) The benefit to clients of the agency and the public as a whole;

(5) An analysis of the value provided for the cost of the project, that at a minimum includes a cost-benefit analysis, an assessment of opportunity costs and any nonfinancial benefits of the project;

(6) Any operational or technological risk associated with the proposed project;

(7) The cost of the investment to be made and the economic and financial feasibility of the project;

(8) An analysis of public versus private financing on a present value basis, and the eligibility of the project for other public funds from local or federal government sources;

(9) The impact to the state's finances of undertaking the project by the agency; and

(10) The advantages and disadvantages of using a public-private partnership rather than having the state agency perform the function.

(c) An agency shall not include a project solely based upon the amount of potential revenue generated by such project.

(d) Any agency submitting a project in accordance with subsection (a) of this section shall at the same time transmit, in accordance with the provisions of section 11-4a, a copy of its submission to the joint standing committees of the General Assembly having cognizance of matters relating to finance, revenue and bonding and appropriations and the budgets of state agencies. Said committees shall hold public hearings on any such submission.

(e) The Governor shall notify the agency when a project has been approved as a public-private partnership project.

(f) [On or before January 15, 2013, and annually thereafter,] [t]The Governor shall report annually, in accordance with the provisions of section 11-4a, to the General Assembly concerning the status of the public-private partnerships established under this section.

Sec. 3. Section 4-259 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021):*

(a) Any partnership agreement executed in accordance with the provisions of sections 4-255 to 4-263, inclusive, shall include, but not be limited to, the following terms and conditions:
[(1) The term of the agreement, which shall be for a period not to exceed fifty years from the date of the full execution of the partnership agreement;]

(1) [(2)] A complete description of the [facility] project to be developed and the functions to be performed;

(2) [(3)] The terms of the financing, development, design, improvement, maintenance, operation and administration of the [facility] project;

(3) [(4)] The rights the state, the contractor, or both, have, if any, in revenue from the financing, development, design, improvement, maintenance, operation or administration of the [facility] project;

(4) [(5)] The minimum quality standards applicable [to the project] for development, design, improvement, maintenance, operation or administration of the [facility] project, including performance criteria, incentives and disincentives;

(5) [(6)] The compensation of the contractor, including the extent to which and the terms upon which a contractor may charge fees to individuals and entities for the use of the [facility] project, but in no event shall such fee extend to the imposition of tolls on the highways of this state unless such tolls are specifically approved by the General Assembly;

(6) [(7)] The furnishing of an annual independent audit report to the agency covering all aspects of the partnership agreement;

(7) [(8)] Performance and payment bonds or other security deemed suitable by the agency;

(8) [(9)] One or more policies of public liability insurance in such amounts determined by the agency to ensure coverage of tort liability for the public and employees of the contractor and to provide for the continued operation of the partnership project;

(9) [(10)] A reverter of the project to the state upon the conclusion or termination of the partnership agreement;

(10) [(11)] The rights and remedies available to the agency for a material breach of the partnership agreement by the contractor or private entity or if there is a material default;

(11) [(12)] Identification of funding sources to be used to fully fund the capital, operation, maintenance or other expenses under the agreement; and

(12) [(13)] Any other provision determined to be appropriate by the agency.

(b) [No partnership agreement shall contain any] Proposed noncompete provisions shall not [limiting] limit the ability of the state to perform its functions.

(c) No user fees may be imposed by the contractor except as set forth in a partnership agreement.

(d) The partnership agreement shall not be construed as waiving the sovereign immunity of the state or as a grant of sovereign immunity to the contractor or any private entity.

(e) No contractor shall be liable for the debts or obligations of the state or the agency, unless the partnership agreement provides that such contractor is liable under such agreement.

Sec. 4. Section 4-261 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021):*

(a) Each public-private partnership project shall either be subject to the prevailing wage requirements pursuant to section 31-53 or the rate established by the use of a project labor agreement. The agency shall provide notice of which requirement applies prior to soliciting bids or proposals for such public-private partnership.

(b) Each public-private partnership project shall comply with: (1) The state's environmental policy requirements as set forth in sections 22a-1 and 22a-1a, (2) the requirements of the set-aside program for small contractors as set forth in section 4a-60g, and (3) any applicable permitting or inspection requirements for projects of a similar type, scope and size as set forth in the general statutes or the local ordinances of the municipality where the project is to be located.

[(c) Any agency that is subject to section 4e-16 shall comply with the provisions of section 4e-16, provided, notwithstanding the provisions of subsection (a) of section 4e-16, any agency that enters into a partnership agreement concerning the operations or maintenance of a state facility that meets the definition of a privatization contract, as defined in section 4e-1, shall be subject to the requirements of section 4e-16 regardless of whether such services are currently privatized.]

Agency Legislative Proposal - 2021 Session

Document Name: 100120_DOT_HWZ Speed Control

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pam Sucato
Phone: 860.594.3013
E-mail: pamela.sucato@ct.gov

Lead agency division requesting this proposal: Engineering and Construction; Highway Operations

Agency Analyst/Drafter of Proposal: Brian Dudack; Pam Sucato

Title of Proposal: AAC Automated Speed Control in Highway Work Zones.

Statutory Reference: New; 14-212

Proposal Summary:
To authorize the Department of Transportation and the Connecticut State Police to use automated speed control technology in highway work zones.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

To reduce speeds in work zones, improve driver behavior, improve the safety for highway workers, complement existing enforcement by Connecticut State Police, and promote work zone safety.

During the 2019 construction season, the Department experienced 1,045 accidents within its work zones; involving 2,094 vehicles. The majority of these incidents can be directly connected to excessive speed.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: Connecticut State Police **Agency Contact (*name, title, phone*):** Commissioner Rovella; Scott Devico **Date Contacted:** 9.22.2020 Approve of Proposal ☐ **YES** ☐ **NO** ☒ **Talks Ongoing**
Summary of Affected Agency's Comments
Will there need to be further negotiation? ☐ **YES** ☐**NO**
Agency Name: Department of Motor Vehicles **Agency Contact (*name, title, phone*):** Millie Torres-Ferguson; Sharon Geanuracos **Date Contacted:** 9.28.2020 Approve of Proposal ☐ **YES** ☐ **NO** ☒ **Talks Ongoing**
Summary of Affected Agency's Comments
Will there need to be further negotiation? ☐ **YES** ☐**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal: N/A
State: TBD
Federal: N/A
Additional notes on fiscal impact

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

◊ **EVIDENCE BASE**

AAC Automated Speed Control in Highway Work Zones.

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

Section 1. (NEW) *(Effective October 1, 2021)* As used in this act:

(1) “Department” means the Department of Transportation.

(2) “Highway” means a limited access highway as defined in section 13b-27.

(3) "Owner" means a person or persons in whose name a motor vehicle is registered under title 14 of the general statutes, or under the laws of another state or country.

(4) "Personally identifiable information" means information created or maintained by the Department or a Vendor that identifies or describes an Owner, including, but not limited to, address, telephone number, license plate, photograph, bank account information, credit card number, debit card number or the date, time, location or direction of travel on a highway.

(5) "Vendor" means a person or persons selected by the Department: (A) to provide services to the Department under this act; (B) operates, maintains, leases or licenses an automated traffic enforcement safety device; or (C) is authorized to review and assemble the recorded images captured by the automated traffic enforcement safety device, provided none of these activities shall be construed by the Department as providing or participating in private investigative services.

(6) “Work zone” means a highway work zone as defined in section 14-212d.

(7) “Work zone speed control system” means a device having one or more motor vehicle sensors connected to a camera system capable of producing recorded images of motor vehicles traveling at or above a predetermined speed in or approaching a work zone.

(8) “Work zone speed control system operator” means an individual who has been trained and certified to operate a work zone speed control system and who is a Connecticut State Police officer; a representative of the Connecticut State Police; or a Department vendor.

Sec. 2. (NEW) *(Effective October 1, 2021)* (a) The Department is authorized to establish a program to provide for automated work zone speed control systems in a highway work zone. A work zone speed control system that meets the requirements of this subsection may be used to record the images of motor vehicles traveling on a highway:

(1) Within a work zone; and

(2) On which the speed limit, established using generally accepted traffic engineering practices, is 45 miles per hour or greater.

(b) A work zone speed control system may be used only: (1) when being operated by a work zone speed control system operator; (2) if, in accordance with the manual on uniform traffic control devices as approved and revised by the Office of State Traffic Administration, at least two conspicuous road signs are placed at a reasonable distance before the work zone notifying drivers that a work zone speed control system may be in operation; (3) at least one of the signs in section (2) indicates if the work zone speed control system is active or not active; (4) an appropriate sign is conspicuously placed at the end of the active work zone; and (5) a notice identifying the location of the work zone speed control system is posted on, or available through a link from, the Department's publicly accessible Internet website.

(c) A work zone speed control system may be used only to record the images of vehicles that are traveling at speeds at least 15 miles per hour above the posted work zone speed limit. Recorded images collected as part of a work zone speed control system may not be used for any other surveillance purposes.

(d) The Commissioner of Transportation may: (1) enter into agreements with vendors for the design, operation or maintenance, or any combination thereof, of those, for work zone speed control systems and (2) retain and employ consultants and assistants on a contract or other basis for rendering legal, financial, professional, technical or other assistance and advice necessary for the design, operation, and maintenance, of work zone speed control systems and for the collection and enforcement of civil penalties.

(e) All revenues received by the Department from the imposition of civil penalties associated with work zone speed control systems shall be deposited into the Special Transportation Fund, established pursuant to section 13b-68 of and maintained pursuant to article thirty-second of the amendments to the Constitution of the state.

Sec. 3 (NEW) *(Effective October 1, 2021)*

(a) Driving in excess of the posted work zone speed limit where a work zone speed control system is located by at least 15 miles per hour is a violation of this act.

(b) For each violation under this section, the owner of the vehicle shall be liable for the civil penalty imposed unless the driver of the motor vehicle received a citation from a police officer at the time of the violation or has a defense under subsection (g) of this section.

(c) (1) An action to enforce this section shall be initiated by an administrative notice of violation to the owner of a vehicle identified by a work zone speed control system as violating this section. A notice of violation based upon inspection of recorded images produced by a work zone speed control system and sworn or affirmed by an authorized member of the Connecticut State Police shall be prima facie evidence of the facts contained in the notice. The Connecticut State Police shall receive certification from the Department, or work zone speed control system operator when a work zone speed control system is active in accordance with section 2 of this

act. If a vendor provides, deploys, or operates a work zone speed control system, the vendor's fee may not be contingent on the number of citations issued or paid.

(2) The notice of violation must include written verification that the work zone speed control system was operating correctly at the time of the alleged violation and the date of the most recent inspection that confirms the work zone speed control system to be operating properly.

(3) An work zone speed control system operator shall complete training offered by the manufacturer of the work zone speed control system, including training on any devices critical to the operation of the system, or the manufacturer's representative in the procedures for setting up, testing and operating a work zone speed control system. Upon completion of the training, the manufacturer or manufacturer's representative shall issue a signed certificate to the work zone speed control system operator, which shall be admitted as evidence in any court proceeding for a violation involving a work zone speed control system device. A work zone speed control system operator shall fill out and sign a daily log for a work zone speed control system, which:

(A) states the date, time and location of the device setup;

(B) states that the work zone speed control system operator successfully performed and the work zone speed control system device passed the self-tests specified by the manufacturer of the work zone speed control system device;

(C) shall be kept on file; and

(D) shall be admitted in any proceeding for a violation involving a work zone speed control system.

(d) A work zone speed control system shall undergo an annual calibration check performed by a calibration laboratory. The calibration laboratory shall issue a signed certificate of calibration after the annual calibration check, which shall be kept on file and shall be admitted as evidence in any proceeding for a violation involving a work zone speed control system.

(e) The following shall be attached to the notice of violation:

(1) A copy of the recorded image showing the vehicle with its license plate visible;

(2) The registration number and state of issuance of the vehicle registration;

(3) Verification that the work zone speed control system was operating correctly at the time of the alleged violation and the date of the most recent inspection that confirms the work zone speed control system to be operating properly;
(4) The date, time and place of the alleged violation;

(5) Notice that the violation charged is under this section; and

(6) Instructions for return of the notice of violation.

(f) In the case of a violation involving a motor vehicle registered under the state, the notice of violation shall be mailed within thirty days after the commission of the violation or within thirty days after the discovery of the identity of the owner, whichever is later, to the address of the owner as listed in the records of the Department of Motor Vehicles.

(g) In the case of a violation involving a motor vehicle registered in a jurisdiction other than this state, the notice of violation shall be mailed within thirty days after the discovery of the identity of the registered owner to the address of the registered owner as listed in the records of the official in the jurisdiction having charge of the registration of the vehicle.

(h) A notice of violation shall be invalid unless provided to an owner within ninety days of the offense.

(i) The notice shall include the following text:
"This notice shall be returned personally, by mail or by an agent duly authorized in writing, within thirty days of issuance. A hearing may be obtained upon the written request of the registered owner."

(j) Notice of violation must be sent by first class mail. A manual or automatic record of mailing prepared by the system administrator in the ordinary course of business shall be prima facie evidence of mailing and shall be admissible in a judicial or administrative proceeding as to the facts contained in the notice.

(k) If a person violates this act as a first offense, the person shall receive a written warning. The penalty for a violation under this section shall be a fine of $75 for the second offense and $150 for the third and subsequent offenses.

(l) A penalty imposed under this section shall not:

(1) be deemed a criminal conviction;

(2) be made part of the operating record of the individual upon whom the penalty is imposed under section 14-137a (relating to schedule of points);

(3) be the subject of merit rating for insurance purposes; or

(4) authorize imposition of surcharge points in the provision of motor vehicle insurance coverage.

(m) It shall be a defense to a violation under this section that:

(1) the vehicle was reported to a police department as stolen prior to the time the violation occurred and was not recovered prior to that time;
(2) the person receiving the notice of violation was not the owner of the vehicle at the time of the offense; and

(3) the device being used to determine speed was not in compliance with section (relating to speed timing devices) with respect to testing for accuracy, certification or calibration.

(n) An owner who receives a notice of violation pursuant to this section shall follow the procedures set forth in section 51-164n of the general statutes.

Sec. 4 (NEW) *(Effective October 1, 2021)* The Department of Motor Vehicles shall provide the Department and any vendor with the information necessary to collect civil penalties associated with work zone violations, including, but not limited to, information regarding the registered owner of a motor vehicle that was operated in the work zone in violation under this act, and the make of the motor vehicle, the motor vehicle's number plate and the name and address of the registered owner of the motor vehicle.

Sec. 5 (NEW) *(Effective October 1, 2021)* If a person liable under this section does not pay the civil penalty or contest the violation, the Department of Motor Vehicles may refuse to register or reregister the registration of the motor vehicle cited for the violation; or suspend the registration of the motor vehicle cited for the violation.

Sec. 6 (NEW) *(Effective October 1, 2021)* (a) No personally identifiable information shall be sold or disclosed by the Department or a vendor to any person or entity except where the disclosure is made: (1) in connection with the charging, collection and enforcement of civil penalties associated with work zone enforcement, (2) pursuant to judicial order, including a search warrant or subpoena, in a criminal proceeding, or (3) to comply with federal or state laws or regulations.

(b) No personally identifiable information shall be stored or retained by the Department of Transportation or a vendor unless such information is necessary for the collection and enforcement of work zone enforcement.

(c) The Department or a vendor may disclose aggregate work zone speed control information and other data that does not directly or indirectly identify an owner or motor vehicle for research purposes authorized by the Commissioner of Transportation.

(d) Except as otherwise provided by law or in connection with an administrative summons or judicial order, including a search warrant or subpoena, in a criminal proceeding, the Department or a vendor shall destroy personally identifiable information and other data that specifically identifies a motor vehicle and relates to a specific violation not later than one year after any civil penalty or the resolution of an administrative hearing conducted pursuant to section 7 of this act.

(e) Personally identifiable customer information shall not be deemed a public record, for purposes of the Freedom of Information Act, as defined in section 1-200.

Sec. 7 (NEW) *(Effective October 1, 2021)* The Commissioner of Transportation may adopt regulations, in accordance with the provision of chapter 54 of the general statutes, to implement the provisions of this section. Such regulations may include, but need not to be limited to, establishing standards and procedures for work zone speed control systems authorized under this section.

Agency Legislative Proposal - 2021 Session

Document Name: 100120_DOT_Highway Safety

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pam Sucato
Phone: 860.594.3013
E-mail: pamela.sucato@ct.gov

Lead agency division requesting this proposal: Policy and Planning

Agency Analyst/Drafter of Proposal: Joe Cristalli, 860.594.2412; Garrett Eucalitto, 860.594.3050

Title of Proposal: AAC Highway Safety.

Statutory Reference: 14-44k**;** 14-100a(c)(1); 14-227a through 14-227c; 14-227m; 14-227n; 14-289g(a); 15-133; 15-140q; 15-140r; 38a-498c; 38a-525c; 53-206d

Proposal Summary:

1. Amend CGS 14-100a to require all passengers in a motor vehicle to wear seatbelts;
2. To prohibit open alcohol beverage containers in the passenger compartment of motor vehicles;
3. To require all motorcycle operators and passengers to wear protective headgear; and
4. To combat impaired driving by updating traffic safety laws to reduce maximum blood alcohol content levels to .05% and reforming the administrative process that follows an impaired driving arrest.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

1. CGS 14-100a(c)(1) requires only the operator and front seat passengers of motor vehicles to wear seat belts. Currently, passengers in the back seat or subsequent seating positions behind the front seat can ride unrestrained unless they are under the age of 16 or covered under the child safety seat component of this statute.

According to the National Highway Traffic Safety Administration (NHTSA) report # DOT HS 808 945 on the effectiveness of seatbelts:

- In all crashes, back seat lap/shoulder belts are 44% effective in reducing fatalities when compared to unrestrained back seat occupants.
- In all crashes, back seat lap/shoulder belts are 15% effective in reducing fatalities when compared to back seat lap belts.
- Lap/shoulder belts are 29% effective in reducing fatalities when compared to unrestrained occupants in frontal crashes.

Back seat outboard belts are highly effective in reducing fatalities when compared to unrestrained occupants in passenger vans and SUVs. Lap belts are 63% effective and lap/shoulder belts are 73% effective. Belts are so effective in these vehicles because they eliminate the risk of ejection.

2. To meet national standards initially authorized under TEA-21, H.R. 2676, Section 154 of Title 23, and reauthorized under SAFETEA-LU, MAP-21 and the FAST Act, states are required to enact a law making it illegal for the driver or passenger(s) to possess or consume from any open alcoholic beverage container in the passenger area of a motor vehicle on a public highway (or the right-of-way of the public highway) or face penalties.

States that have not enacted such laws by October 1, 2000, and every year thereafter, will have a fixed percentage of National Highway Performance Program (NHPP) and Surface Transportation Block Grant Program (STBGP) funds transferred into the Highway Safety Improvement Program (HSIP). A portion of the penalty funds are transferred to National Highway Traffic Safety Administration (NHTSA), for impaired driving countermeasure programs, and a portion of the funds returned to FHWA, for HSIP eligible activities.

To date, CT's total penalty amount for noncompliance is $163,878,141*. Enacting open container legislation would allow the Department to use these transferred funds for their intended purpose of infrastructure improvements. Alaska, Connecticut, Delaware, Hawaii, Louisiana, Maine, Mississippi, Missouri, Ohio, Tennessee, Virginia and Wyoming are the only states that have yet to enact an open container law.

3. Require all motorcycle operators and passengers to wear protective headgear. Currently, Connecticut laws only require helmet use by persons under the age of 18 years (CGS Sec. 14-289g) and motorcycle learner permit holders (CGS Sec 14-40a). In 2015 a total of 53 motorcycle operators and passengers were killed on Connecticut roadways, representing 19.9 percent of the State's total traffic fatalities. Approximately 58 percent of the motorcyclists killed were not wearing helmets, compared to approximately 43 percent of fatalities nationwide. This proposal would amend Section 14-289g of the general statues to require all persons who operate a motorcycle or a motor-driven cycle to wear protective headgear of a type which conforms to the minimum specifications established by regulations.

4. From 2009-2018 Alcohol-impaired crashes accounted for more than 1/3 of all traffic fatalities in Connecticut (38-42%). In 2018, 115 persons killed in alcohol-impaired crashes, which accounted for 39% of all fatalities in CT compared to 29% nationally. Connecticut had the 4th highest percentage of alcohol-impaired fatalities nationally in 2018. Also, in 2018, 28% of drivers involved in fatal crashes had a BAC of .08+ compared to 19% in the rest of the U.S. The percentage of alcohol-impaired fatalities shows a declining trend nationally over the past two decades compared to Connecticut, which has had an increasing trend over the past two decades. Connecticut needs to address this alarming trend and lowering the BAC would follow in the footsteps of Utah, the first state in the nation to do so, having lowered their BAC to 0.05% in late 2018. Gov. Lamont attended an NGA conference in Utah in his first year in office and heard first-hand about the benefits of their 0.05% BAC law. In the first month following implementation, Utah saw its lowest number of alcohol-related crashes in four years. The National Transportation Safety Board is supportive of the effort to lower the BAC, and estimates that

lowering the BAC in every state to 0.05% could save up to 1,790 lives per year. In 2019, four more states – CA, MI, NY, and OR – introduced bills to reduce the legal limit to 0.05%, though none were implemented. More than 100 countries across the globe, including 25 of 27 EU member countries, have established maximum BAC limits of 0.05% or below.

◊ **Origin of Proposal** ☐ **New Proposal** ☒ **Resubmission**

1. The seatbelt proposal was submitted to the Transportation Committee the last six years (in 2015, by CTDOT; 2016 requested by AAA; 2017 by CTDOT and supported by AAA; 2018 and 2019 by CTDOT and supported by AAA) but never made it out of committee.

2. The open container proposal has been raised and heard in the Transportation Committee over the past 18 years but has rarely progressed past the committee level. The Department is required by NHTSA to demonstrate a continued advocacy for this proposal.

3. To protect motorcyclists who are at a much higher risk of death and injury in crashes than passenger car occupants. States that have enacted universal helmet legislation have experienced significant drops in motorcycle deaths (15%-37%) within one year of passage. Conversely, states that repealed or weakened helmet laws have experienced significant fatality increases.

4. New: This includes Sections 10-17 of Governor Lamont's SB 16 from 2020, plus modifications to strengthen the bill, specifically the inclusion of a .05 BAC cutoff. Connecticut currently prohibits the operation of a motor vehicle, boat, or use of a firearm, if an individual has a blood alcohol content of eight-hundredths of one percent or more of alcohol, by weight (0.08 percent BAC). This proposal would lower the BAC limit to 0.05.

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: Department of Motor Vehicles
Agency Contact (*name, title, phone*): Sharon Geanuracos
Date Contacted: 9.21.2020

Approve of Proposal ☒ **YES** ☐ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments: Will need to refine language to ensure no issues with DMV processes.

Will there need to be further negotiation? ☒ **YES** ☐**NO**

Agency Name: Department of Emergency Services and Public Protection
Agency Contact (*name, title, phone*): Scott Devico
Date Contacted: 9.21.2020

Approve of Proposal ☐ **YES** ☐ **NO** ☒ **Talks Ongoing**

Summary of Affected Agency's Comments: Raised questions about whether officers would need to be retrained or have a training refresher. However, POST has indicated that is not the case.

Will there need to be further negotiation? ☒ **YES** ☐**NO**

Agency Name: Department of Energy and Environmental Protection
Agency Contact (*name, title, phone*): Mandi Careathers
Date Contacted: 9.21.2020

Approve of Proposal ☒ **YES** ☐ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments: DEEP EnCon ask to change the word "proceeding" to "hearing" in the boating section; this change was made.

Will there need to be further negotiation? ☐ **YES** ☒**NO**

Agency Name: Judicial Branch
Agency Contact (*name, title, phone*): Brittany Kaplan
Date Contacted: 9.21.2020

Approve of Proposal ☐ **YES** ☐ **NO** ☒ **Talks Ongoing**

Summary of Affected Agency's Comments: Judicial Branch indicated that "the proposal would have, perhaps, a substantial impact to Adult Probation and Bail Services. It lowers the maximum BAC to operate a motor vehicle from 0.08 to 0.05. This significant lowering of the BAC level will increase the number of persons arrested for OUI and, therefore, increase the number of pretrial referrals to Bail and post-conviction referrals to Probation. It is unclear how significant this increase would be, but it could be substantial."

Will there need to be further negotiation? ☒ **YES** ☐**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal: None

State:

1. No anticipated costs.

2. The State does not lose federal funding, however, these transferred funds are restricted for use in the 402 Highway Safety DUI Countermeasures Program and/or the Hazard Elimination program, precluding their availability to finance National Highway Performance (NHPP) and Surface Transportation Block Grant (STBG) projects, which was the original intent of these funds. **To date, CT's total penalty amount for noncompliance is $163,878,141*.**

3. Research conducted by the National Highway Traffic Safety Administration (NHTSA) in other states has demonstrated higher hospitalization costs for un-helmeted versus helmeted motorcyclists involved in crashes. For victims of serious head injury, acute hospital care might be only the first stage of a long and costly treatment program. For many crash victims, lost wages from missed workdays will outweigh medical costs. And for victims who are permanently disabled, their earnings might be reduced for the rest of their lives.

4. Potential for Judicial Branch (see notes below)

Federal:

2. NHS, IM and STP funds for preliminary engineering, rights-of-way and construction. To date, **$163,878,141*** has been transferred to the Section 402 Highway Safety Program since from FFY 2001.

Additional notes on fiscal impact

* Since the FAST Act expires at the end of FFY 2020 and a new Transportation Bill has not yet been passed, level funding under a Continuing Resolution of the FAST Act is assumed for FFY 2021.

4. Impaired Driving: The Judicial Branch's concern that the lower .05 BAC will result in more cases and thus more need for adult probation officers and bail commissioners may come to fruition. If the OUI arrest numbers increase significantly, there may be a fiscal impact caused by the need to hire more court personnel. On the flip side, the state could see a cost benefit to enacting this law if the fatal crashes decline. Utah's fatal crash numbers were reduced when the .05 BAC was passed in 2018. Generally, the state C.A.R.S. (Collision Analysis Reconstruction Squad) must investigate and reconstruct the crash, the medical examiner is involved as they must make a finding of cause of death and conduct chemical testing of the victims, vehicular homicides are Class B felonies and often end up in Part A court where serious cases are prosecuted and generally take much longer to litigate that a standard OUI in the GA courts. With respect to additional costs to train officers, POST's Basic Training subject matter expert, an SFST – ARDIE and DRE certified at the instructor level, stated that signs of impairment begin and or are noticeable at a BAC of .03. CT follows the NHTSA curriculum and the SME feels "no additional training of previously certified officers would be necessary, thus no costs would be incurred".

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

◊ **EVIDENCE BASE**

Crash data will be used to evaluate the impact of the proposal. DUI, un-belted, and un-helmeted crashes, DUI, un-belted and un-helmeted injuries and DUI, un-belted and un-helmeted fatalities will be tracked to determine the effect of the new legislation over time. The anticipated outcome is a decrease in DUI, un-belted and un-helmeted crashes, injuries and fatalities.

Impaired Driving: Data that will be used to track this proposal over time will include: National FARS data, judicial branch data tracking OUI arrests (MV, boating and firearm), convictions and diversions under the Alcohol Education Program, and DMV administrative licenses suspension data.

AN ACT CONCERNING HIGHWAY SAFETY.

Section 1:

Subdivision (1) of subsection (c) of section 14-100a of the general statutes is amended to read as follows *(Effective October 1, 2020)*:

(c) (1) The operator of and any [front seat] passenger in a motor vehicle with a gross vehicle weight rating not exceeding ten thousand pounds or firefighting apparatus originally equipped with seat safety belts complying with the provisions of the Code of Federal Regulations, Title 49, Section 571.209, as amended from time to time, shall wear such seat safety belt while the vehicle is being operated on any highway except as follows:

Section 2:

(NEW) (*Effective October 1, 2020*) For the purposes of this section:
(a) Definitions:

(1) "Alcoholic beverage" has the same meaning as provided in section 30-1 of the general statutes;

(2) "Highway" has the same meaning as provided in section 14-1 of the general statutes;

(3) "Open alcoholic beverage container" means a bottle, can or other receptacle (A) that contains any amount of an alcoholic beverage, and (B) (i) that is open or has a broken seal, or (ii) the contents of which are partially removed;

(4) "Passenger" means any occupant of a motor vehicle other than the operator; and

(5) "Passenger area" means (A) the area designed to seat the operator of and any passenger in a motor vehicle while such vehicle is being operated on a highway, or (B) any area that is readily accessible to such operator or passenger while such person is in such person's seating position; except that, in a motor vehicle that is not equipped with a trunk, "passenger area" does not include a locked glove compartment, the area behind the last upright seat closest to the rear of the motor vehicle or an area not normally occupied by the operator of or passengers in such motor vehicle.

(b) No person shall possess an open alcoholic beverage container within the passenger area of a motor vehicle while such motor vehicle is on any highway in this state.

(c) The provisions of subsection (b) of this section shall not apply to: (1) A passenger in a motor vehicle designed, maintained and primarily used for the transportation of persons for hire, and (2) a passenger in the living quarters of a recreational vehicle, as defined in section 14-1 of the general statutes.

(d) Any person who violates the provisions of subsection (b) of this section shall be fined not more than five hundred dollars.

Section 3:

Subsection (a) of section 14-289g of the general statutes is amended to read as follows *(Effective October 1, 2020)*:

(a) No person [under eighteen years of age] may (1) operate a motorcycle or a motor-driven cycle, as defined in section 14-1, or (2) be a passenger on a motorcycle, unless such operator or passenger is wearing protective headgear of a type which conforms to the minimum specifications established by regulations adopted under subsection (b) of this section.

Section 4:

Section 1. (NEW) (*Effective from passage*) As used in sections 1 to 14, inclusive, of this act, unless the context otherwise requires:

(1) "Cannabis" means marijuana, as defined in section 21a-240 of the general statutes;

(2) "Cannabis product" means a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption. Cannabis product does not include the raw cannabis plant; and

(25) "THC" means delta-9-tetrahydrocannabinol.

Sec. 2. Subsections (a) to (e), inclusive, of section 14-227a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective January 2, 2022*):

(a) Operation while under the influence or while having an elevated blood alcohol content. No person shall operate a motor vehicle while under the influence of intoxicating liquor or any drug or both. A person commits the offense of operating a motor vehicle while under the influence of intoxicating liquor or any drug or both if such person operates a motor vehicle (1) while under the influence of intoxicating liquor or any drug or both, or (2) while such person has an elevated blood alcohol content. For the purposes of this section, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is [eight] five-hundredths of one per cent or more of alcohol, by weight, except that if such person is operating a commercial motor vehicle, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, and "motor vehicle" includes a snowmobile and all-terrain vehicle, as those terms are defined in section 14-379.

(b) (1) Except as provided in subsection (c) of this section, in any criminal prosecution for violation of subsection (a) of this section, evidence respecting the amount of alcohol or drug in the defendant's blood or urine at the time of the alleged offense, as shown by a chemical **[**analysis**]** test of the defendant's breath, blood or urine, shall be admissible and competent provided: **[**(1)**]** (A) The defendant was afforded a reasonable opportunity to telephone an attorney prior to the performance of the test and consented to the taking of the test upon which such analysis is made; **[**(2)**]** (B) a true copy of the report of the test result was mailed to or personally delivered to the defendant within twenty four hours or by the end of the next regular business day, after such result was known, whichever is later; **[**(3)**]** (C) the test was performed by or at the direction of a police officer according to methods and with equipment approved by the Department of Emergency Services and Public Protection and was performed in accordance with the regulations adopted under subsection (d) of this section; **[**(4)**]** (D) the device used for such test was checked for accuracy in accordance with the regulations adopted under subsection (d) of this section; **[**(5)**]** (E) an additional chemical test of the same type was performed at least ten minutes after the initial test was performed or, if requested by the police officer for reasonable cause, an additional chemical test of a different type was performed, including a test to detect the presence of a drug or drugs other than or in addition to alcohol, provided the results of the initial test shall not be inadmissible under this subsection if reasonable efforts were made to have such additional test performed in accordance with the conditions set forth in this subsection and (i) such additional test was not performed or was not performed within a reasonable time, or (ii) the results of such additional test are not admissible for failure to meet a condition set forth in this subsection; and **[**(6)**]** (F) evidence is presented that the test was commenced within two hours of operation. In any prosecution under this section it shall be a rebuttable presumption that the results of such chemical analysis establish the ratio of alcohol in the blood of the defendant at the time of the alleged offense, except that if the results of the additional test indicate that the ratio of alcohol in the blood of such defendant is ten-hundredths of one per cent or less of alcohol, by weight, and is higher than the results of the first test, evidence shall be presented that demonstrates that the test results and the analysis thereof accurately indicate the blood alcohol content at the time of the alleged offense.

(2) If a law enforcement officer who is a drug recognition expert conducts a drug influence evaluation, the officer's testimony concerning such evaluation shall be admissible and competent as evidence of operation of a motor vehicle while under the influence of liquor or any drug or both under subdivision (1) of subsection (a) of this section.

(c) In any prosecution for a violation of subdivision (1) of subsection (a) of this section, reliable evidence respecting the amount of alcohol in the defendant's blood or urine at the time of the alleged offense, as shown

by a chemical analysis of the defendant's blood, breath or urine, otherwise admissible under subdivision (1) of subsection (b) of this section, shall be admissible only at the request of the defendant.

(d) The Commissioner of Emergency Services and Public Protection shall ascertain the reliability of each method and type of device offered for chemical testing [and analysis purposes] of blood, of breath and of urine and certify those methods and types which [said] the commissioner finds suitable for use in testing [and analysis] of blood, breath and urine, respectively, in this state. The Commissioner of Emergency Services and Public Protection shall adopt regulations, in accordance with chapter 54, governing the conduct of chemical tests, the operation and use of chemical test devices, the training and certification of operators of such devices and the drawing or obtaining of blood, breath or urine samples as [said] the commissioner finds necessary to protect the health and safety of persons who submit to chemical tests and to insure reasonable accuracy in testing results. Such regulations shall not require recertification of a police officer solely because such officer terminates such officer's employment with the law enforcement agency for which certification was originally issued and commences employment with another such agency. A person qualified to withdraw blood or any hospital, laboratory or clinic employing or utilizing the services of such a person shall not incur any civil liability as a result of such activities if requested by a law enforcement officer acting in accordance with this section or section 14-227c to withdraw blood unless the actions of the person while performing such activities constitutes gross negligence.

(e) (1) In any criminal prosecution for a violation of subsection (a) of this section, evidence that the defendant refused to submit to a blood, breath or urine test or the nontestimonial portion of a drug influence evaluation requested in accordance with section 14-227b, as amended by this act, shall be admissible provided the requirements of subsection (b) of said section have been satisfied. If a case involving a violation of subsection (a) of this section is tried to a jury, the court shall instruct the jury as to any inference that may or may not be drawn from the defendant's refusal to submit to [a blood, breath or urine test] such a test or evaluation.

(2) A drug recognition expert may testify as to his or her opinion or otherwise as to the significance of any symptoms of impairment or intoxication for which evidence has been admitted or on the condition that such evidence be introduced.

(3) In any prosecution for a violation of subdivision (1) of subsection (a) of this section in which it is alleged that the defendant's operation of a motor vehicle was impaired, in whole or in part, by consumption of cannabis, cannabis products or THC, as those terms are defined in section 1 of this act, the court shall take judicial notice that the ingestion of THC (A) can impair a person's ability to operate a motor vehicle; (B) can impair a person's motor function, reaction time, tracking ability, cognitive attention, decision-making, judgment, perception, peripheral vision, impulse control and memory; and (C) does not enhance a person's ability to safely operate a motor vehicle.

Sec. 3. Section 14-227b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 2, 2022*):

(a) Any person who operates a motor vehicle in this state shall be deemed to have given such person's consent to: [a] (1) A chemical [analysis] test of such person's blood, breath or urine; [and, if] and (2) a nontestimonial portion of a drug influence evaluation conducted by a drug recognition expert. If such person is

a minor, such person's parent or parents or guardian shall also be deemed to have given their consent for such test or evaluation.

[(b) If any such person, having been placed under arrest for a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n, and thereafter, after being apprised of such person's constitutional rights, having been requested to submit to a blood, breath or urine test at the option of the police officer, having been afforded a reasonable opportunity to telephone an attorney prior to the performance of such test and having been informed that such person's license or nonresident operating privilege may be suspended in accordance with the provisions of this section if such person refuses to submit to such test, or if such person submits to such test and the results of such test indicate that such person has an elevated blood alcohol content, and that evidence of any such refusal shall be admissible in accordance with subsection (e) of section 14-227a and may be used against such person in any criminal prosecution, refuses to submit to the designated test, the test shall not be given; provided, if the person refuses or is unable to submit to a blood test, the police officer shall designate the breath or urine test as the test to be taken. The police officer shall make a notation upon the records of the police department that such officer informed the person that such person's license or nonresident operating privilege may be suspended if such person refused to submit to such test or if such person submitted to such test and the results of such test indicated that such person had an elevated blood alcohol content.]

(b) (1) A police officer who has placed a person under arrest for a violation of section 14-227a, as amended by this act, 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n may request that such person submit to a blood, breath or urine test at the option of the police officer, a drug influence evaluation conducted by a drug recognition expert or both after such person has been (A) apprised of such person's constitutional rights; (B) afforded a reasonable opportunity to telephone an attorney prior to the performance of such test or evaluation; (C) informed that evidence of any refusal to submit to such test or evaluation shall be admissible in accordance with subsection (e) of section 14-227a, as amended by this act, and may be used against such person in any criminal prosecution, except that refusal to submit to the testimonial portions of a drug influence evaluation shall not be considered evidence of refusal of such evaluation for purposes of any criminal prosecution; and (D) informed that such person's license or operating privilege may be suspended in accordance with the provisions of this section if (i) such person refuses to submit to such test or the nontestimonial portion of a drug influence evaluation, (ii) such person submits to such test and the results of such test indicate that such person has an elevated blood alcohol content, or (iii) the officer believes there is substantial evidence to conclude that such person was operating a motor vehicle under the influence of intoxicating liquor or any drug or both.

(2) If the person refuses to submit to any test or drug influence evaluation, the test or evaluation shall not be given, except if the person refuses or is unable to submit to a blood test, the police officer shall designate another test to be taken. If a person submits to a breath test and the results indicate that the person does not have an elevated blood alcohol content, the police officer may request that the person submit to a different type of test, except that if the person refuses or is unable to submit to a blood test, the officer shall designate a urine test to be taken. The police officer shall make a notation upon the records of the police department that such officer informed the person that such person's license or operating privilege may be suspended if (A) such person refused to submit to such test or nontestimonial portion of a drug influence evaluation; (B) such person submitted to such test and the results of such test indicated that such person had an elevated blood alcohol content; or (C) the officer believes there is substantial evidence to conclude that such person was operating a motor vehicle under the influence of intoxicating liquor or any drug or both.

(c) If the person arrested refuses to submit to such test or [analysis] nontestimonial portion of a drug influence evaluation or submits to such test, [or analysis,] commenced within two hours of the time of operation, and the results of such test [or analysis] indicate that such person has an elevated blood alcohol content, the police officer, acting on behalf of the Commissioner of Motor Vehicles, shall immediately revoke and take possession of the motor vehicle operator's license or, if such person is not licensed or is a nonresident, suspend the [nonresident] operating privilege of such person, for a twenty-four-hour period. The police officer shall prepare a report of the incident and shall mail or otherwise transmit in accordance with this subsection the report and a copy of the results of any chemical test [or analysis] to the Department of Motor Vehicles within three business days, except that failure of an officer to mail or transmit such report within three business days shall not impact a decision to suspend such person's license or operating privilege and shall not render such report inadmissible at a hearing under this section. The report shall contain such information as prescribed by the Commissioner of Motor Vehicles and shall be subscribed and sworn to under penalty of false statement as provided in section 53a-157b by the arresting officer. If the person arrested refused to submit to such test or [analysis] evaluation, the report shall be endorsed by a third person who witnessed such refusal. The report shall set forth the grounds for the officer's belief that there was probable cause to arrest such person for a violation of section 14-227a, as amended by this act, or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n and shall state that such person had refused to submit to such test or [analysis] evaluation when requested by such police officer to do so or that such person submitted to such test or, [analysis,] commenced within two hours of the time of operation, and the results of such test or analysis indicated that such person had an elevated blood alcohol content. The Commissioner of Motor Vehicles may accept a police report under this subsection that is prepared and transmitted as an electronic record, including electronic signature or signatures, subject to such security procedures as the commissioner may specify and in accordance with the provisions of sections 1-266 to 1-286, inclusive. In any hearing conducted pursuant to the provisions of subsection (g) of this section, it shall not be a ground for objection to the admissibility of a police report that it is an electronic record prepared by electronic means.

[(d) If the person arrested submits to a blood or urine test at the request of the police officer, and the specimen requires laboratory analysis in order to obtain the test results, the police officer shall not take possession of the motor vehicle operator's license of such person or, except as provided in this subsection, follow the procedures subsequent to taking possession of the operator's license as set forth in subsection (c) of this section. If the test results indicate that such person has an elevated blood alcohol content, the police officer, immediately upon receipt of the test results, shall notify the Commissioner of Motor Vehicles and submit to the commissioner the written report required pursuant to subsection (c) of this section.]

(d) If a police officer who has placed a person under arrest for a violation of section 14-227a, as amended by this act, 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n does not request that such person submit to a blood, breath or urine test under subsection (b) of this section, or obtains results from a test administered under subsection (b) of this section that indicate that the person does not have an elevated blood alcohol content, such officer shall:

(1) Advise such person that such person's license or operating privilege may be suspended in accordance with the provisions of this section if such police officer believes there is substantial evidence to conclude that such person was operating a motor vehicle under the influence of intoxicating liquor or any drug or both; and

(2) Submit a report to the commissioner in accordance with the procedure set forth in subsection (c) of this section and, if such report contains the results of a blood, breath or urine test that does not show an elevated

blood alcohol content, such report shall conform to the requirements in subsection (c) of this section for reports that contain results showing an elevated blood alcohol content. In any report submitted under this subdivision, the officer shall document (A) the basis for the officer's belief that there was probable cause to arrest such person for a violation of section 14-227a, as amended by this act, or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n, and (B) whether the officer believes that there is substantial evidence to conclude that the person was operating a motor vehicle under the influence of intoxicating liquor or any drug or both. With such report, the officer may submit other supporting documentation indicating the person's intoxication by liquor or any drug or both. If the officer believes there is substantial evidence to conclude that the person was operating a motor vehicle under the influence of intoxicating liquor or any drug or both, the officer shall immediately revoke and take possession of the motor vehicle operator's license or, if such person is not licensed or is a nonresident, suspend the operating privilege of such person, for a twenty-four-hour period.

(e) (1) Except as provided in subdivision (2) of this subsection, upon receipt of [such] a report submitted under subsection (c) or (d) of this section, the [Commissioner of Motor Vehicles] commissioner may suspend any operator's license or [nonresident] operating privilege of such person effective as of a date certain, which date certain shall be not later than thirty days [after] from the later of the date such person received (A) notice of such person's arrest by the police officer, or (B) the results of a blood or urine test or a drug influence evaluation. Any person whose operator's license or [nonresident] operating privilege has been suspended in accordance with this subdivision shall automatically be entitled to a hearing before the commissioner to be held in accordance with the provisions of chapter 54 and prior to the effective date of the suspension. The commissioner shall send a suspension notice to such person informing such person that such person's operator's license or [nonresident] operating privilege is suspended as of a date certain and that such person is entitled to a hearing prior to the effective date of the suspension and may schedule such hearing by contacting the Department of Motor Vehicles not later than seven days after the date of mailing of such suspension notice.

(2) [If the person arrested (A) is] Upon receipt of a report that (A) the person's arrest involved [in] an accident resulting in a fatality, or (B) the person has previously had such person's operator's license or [nonresident] operating privilege suspended under the provisions of section 14-227a, as amended by this act, 14-227m or 14-227n, as amended by this act, during the ten-year period preceding the present arrest, [upon receipt of such report, the Commissioner of Motor Vehicles] the commissioner may suspend any operator's license or [nonresident] operating privilege of such person effective as of the date specified in a notice of such suspension to such person. [Any] A person whose operator's license or [nonresident] operating privilege has been suspended in accordance with this subdivision shall automatically be entitled to a hearing before the commissioner, to be held in accordance with the provisions of chapter 54. The commissioner shall send a suspension notice to such person informing such person that such person's operator's license or [nonresident] operating privilege is suspended as of the date specified in such suspension notice, and that such person is entitled to a hearing and may schedule such hearing by contacting the Department of Motor Vehicles not later than seven days after the date of mailing of such suspension notice. Any suspension issued under this subdivision shall remain in effect until such suspension is affirmed under subsection (f) of this section or such operator's license or [nonresident] operating privilege is reinstated in accordance with [subsections (f) and] subsection (h) of this section.

(f) If such person does not contact the department to schedule a hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) of this section.

(g) (1) If such person contacts the department to schedule a hearing, the department shall assign a date, time and place for the hearing, which date shall be prior to the effective date of the suspension, except that, with respect to a person whose operator's license or [nonresident] operating privilege is suspended in accordance with subdivision (2) of subsection (e) of this section, such hearing shall be scheduled not later than thirty days after such person contacts the department. At the request of such person, the hearing officer or the department and upon a showing of good cause, the commissioner may grant one or more continuances. [The hearing]

(2) A hearing based on a report submitted under subsection (c) of this section shall be limited to a determination of the following issues: [(1)] (A) Did the police officer have probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or any drug or both; [(2)] (B) was such person placed under arrest; [(3)] (C) did such person (i) refuse to submit to such test or [analysis or did such person] nontestimonial portion of a drug influence evaluation, or (ii) submit to such test, [or analysis,] commenced within two hours of the time of operation, and the results of such test [or analysis] indicated that such person had an elevated blood alcohol content; and [(4)] (D) was such person operating the motor vehicle.

(3) A hearing based on a report submitted under subsection (d) of this section shall be limited to a determination of the following issues: (A) Did the police officer have probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or any drug or both; (B) was the person placed under arrest; (C) is there substantial evidence to conclude that the person was operating a motor vehicle under the influence of intoxicating liquor or any drug or both; and (D) was the person operating the motor vehicle.

(4) In [the] a hearing under this subsection, the results of the test, [or analysis] if administered, shall be sufficient to indicate the ratio of alcohol in the blood of such person at the time of operation, provided such test was commenced within two hours of the time of operation. The fees of any witness summoned to appear at [the] a hearing under this subsection shall be the same as provided by the general statutes for witnesses in criminal cases. Notwithstanding the provisions of subsection (a) of section 52-143, any subpoena summoning a police officer as a witness shall be served not less than seventy-two hours prior to the designated time of the hearing.

(5) In a hearing based on a report submitted under subsection (d) of this section, evidence of operation under the influence of intoxicating liquor or any drug or both shall be admissible. Such evidence may include, but need not be limited to, (A) the police officer's observations of intoxication, as documented in a report submitted to the commissioner under subsection (d) of this section; (B) the results of any chemical test administered under this section or a toxicology report certified by the Division of Scientific Services; (C) hospital or medical records obtained in accordance with subsection (j) of this section or by the consent of the operator; (D) the results of any tests conducted by, or the report of, an officer trained in advanced roadside impaired driving enforcement; or (E) reports of drug recognition experts.

(h) If, after [such] a hearing under subdivision (2) of subsection (g) of this section, the commissioner finds in the negative on any one of the [said] issues [in the negative] in subparagraph (A), (B), (C) or (D) of said

subdivision, the commissioner shall reinstate such license or operating privilege. If, after a hearing under subdivision (3) of subsection (g) of this section, the commissioner finds in the negative on any one of the issues in subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner shall reinstate such license or operating privilege. If, after such hearing under subdivision (2) or (3) of subsection (g) of this section, the commissioner does not find on any one of [the] said issues in the negative or if such person fails to appear at such hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) of this section. The commissioner shall render a decision at the conclusion of such hearing and send a notice of the decision by bulk certified mail to such person. The notice of such decision sent by bulk certified mail to the address of such person as shown by the records of the commissioner shall be sufficient notice to such person that such person's operator's license or [nonresident] operating privilege is reinstated or suspended, as the case may be.

(i) (1) The commissioner shall suspend the operator's license or [nonresident] operating privilege of a person who did not contact the department to schedule a hearing, who failed to appear at a hearing, or against whom a decision was issued, after a hearing, pursuant to subsection (h) of this section, as of the effective date contained in the suspension notice, for a period of forty-five days. As a condition for the restoration of such operator's license or [nonresident] operating privilege, such person shall be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, for the longer of either (A) the period prescribed in subdivision (2) of this subsection for the present arrest and suspension, or (B) the period prescribed in subdivision (1), (2) or (3) of subsection (g) of section 14-227a or subdivision (1), (2) or (3) of subsection (c) of section 14-227m or subdivision (1) or (2) of subsection (c) of section 14-227n for the present arrest and conviction, if any.

(2) (A) A person twenty-one years of age or older at the time of the arrest who submitted to a test [or analysis] and the results of such test [or analysis] indicated that such person had an elevated blood alcohol content, or was found to have been operating a motor vehicle under the influence of intoxicating liquor or any drug or both based on a report filed pursuant to subsection (d) of this section, shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, six months; (ii) for a second suspension under this section, one year; and (iii) for a third or subsequent suspension under this section, two years; (B) a person under twenty-one years of age at the time of the arrest who submitted to a test [or analysis] and the results of such test [or analysis] indicated that such person had an elevated blood alcohol content, or was found to have been operating a motor vehicle under the influence of intoxicating liquor or any drug or both based on a report filed pursuant to subsection (d) of this section, shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, one year; (ii) for a second suspension under this section, two years; and (iii) for a third or subsequent suspension under this section, three years; and (C) a person, regardless of age, who refused to submit to a test or [analysis] nontestimonial portion of a drug influence evaluation shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, one year; (ii) for a second suspension under this section, two years; and (iii) for a third or subsequent suspension, under this section, three years.

(3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, a person whose motor vehicle operator's license or [nonresident] operating privilege has been permanently revoked upon a third

offense pursuant to subsection (g) of section 14-227a, as amended by this act, or subsection (c) of section 14-227m shall be subject to the penalties prescribed in subdivision (2) of subsection (i) of section 14-111.

(j) Notwithstanding the provisions of subsections (b) to (i), inclusive, of this section, any police officer who obtains the results of a [chemical analysis] test of a blood sample taken from or a urine sample provided by an operator of a motor vehicle who was involved in an accident and suffered or allegedly suffered physical injury in such accident, or who was otherwise deemed by a police officer to require treatment or observation at a hospital, shall notify the **[**Commissioner of Motor Vehicles**]** commissioner and submit to the commissioner a written report if such results indicate that such person had an elevated blood alcohol content, or any quantity of an intoxicating liquor or any drug or both in such person's blood, and if such person was arrested for violation of section 14-227a, as amended by this act, or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n. The report shall be made on a form approved by the commissioner containing such information as the commissioner prescribes, and shall be subscribed and sworn to under penalty of false statement, as provided in section 53a-157b, by the police officer. The commissioner may, after notice and an opportunity for hearing, which shall be conducted by a hearing officer on behalf of the commissioner in accordance with chapter 54, suspend the motor vehicle operator's license or **[**nonresident**]** operating privilege of such person for the appropriate period of time specified in subsection (i) of this section and require such person to install and maintain an ignition interlock device for the appropriate period of time prescribed in subsection (i) of this section. Each hearing conducted under this subsection shall be limited to a determination of the following issues: (1) Whether the police officer had probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or drug or both; (2) whether such person was placed under arrest; (3) whether such person was operating the motor vehicle; (4) whether the results of the analysis of the blood or urine of such person indicate that such person had an elevated blood alcohol content, or there is substantial evidence to conclude that the person was operating a motor vehicle under the influence of intoxicating liquor or any drug or both; and (5) in the event that a blood sample was taken, whether the blood sample was obtained in accordance with conditions for admissibility and competence as evidence as set forth in subsection (k) of section 14-227a. If, after such hearing, the commissioner finds on any one of the said issues in the negative, the commissioner shall not impose a suspension. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for witnesses in criminal cases, as provided in section 52-260.

(k) The provisions of this section shall apply with the same effect to the refusal by any person to submit to an additional chemical test as provided in subparagraph (E) of subdivision **[**(5)**]** (1) of subsection (b) of section 14-227a, as amended by this act.

(l) The provisions of this section shall not apply to any person whose physical condition is such that, according to competent medical advice, such test would be inadvisable.

(m) The state shall pay the reasonable charges of any physician who, at the request of a municipal police department, takes a blood sample for purposes of a test under the provisions of this section.

(n) For the purposes of this section, "elevated blood alcohol content" means (1) a ratio of alcohol in the blood of such person that is [eight] five -hundredths of one per cent or more of alcohol, by weight, (2) if such person is operating a commercial motor vehicle, a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, or (3) if such person is less than twenty-one years of

age, a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight.

(o) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

(p) For purposes of this section and section 14-227a, as amended by this act, (1) "advanced roadside impaired driving enforcement" means a program developed by the National Highway Traffic Safety Administration with the International Association of Chiefs of Police and the Technical Advisory Panel, which focuses on impaired driving; (2) "drug influence evaluation" means a twelve-part evaluation developed by the National Highway Traffic Safety Administration and the International Association of Chiefs of Police that is conducted by a drug recognition expert to determine the level of a person's impairment from the use of drugs and the type of drug or drugs causing such impairment; (3) "drug recognition expert" means a person certified by the International Association of Chiefs of Police as having met all requirements of the International Drug Evaluation and Classification Program; and (4) "nontestimonial portion of a drug influence evaluation" means a drug influence evaluation conducted by a drug recognition expert that does not include a verbal interview with the subject.

Sec. 4. Section 14-227c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 2, 2022*):

(a) As part of the investigation of any motor vehicle accident resulting in the death of a person, the Chief Medical Examiner, Deputy Chief Medical Examiner, an associate medical examiner, a pathologist as specified in section 19a-405, or an authorized assistant medical examiner, as the case may be, shall order that a blood sample be taken from the body of any operator or pedestrian who dies as a result of such accident. Such blood samples shall be examined for the presence and concentration of alcohol and any drug by the Division of Scientific Services within the Department of Emergency Services and Public Protection or by the Office of the Chief Medical Examiner. Nothing in this subsection or section 19a-406 shall be construed as requiring such medical examiner to perform an autopsy in connection with obtaining such blood samples.

(b) **[**A blood or breath sample shall be obtained from any surviving operator whose motor vehicle is involved in an accident resulting in the serious physical injury, as defined in section 53a-3, or death of another person, i]If any surviving operator whose motor vehicle is involved in an accident resulting in the serious physical injury, as defined in section 53a-3, or death of another person, and (1) a police officer has probable cause to believe that such operator operated such motor vehicle while under the influence of intoxicating liquor or any drug, or both, or (2) such operator has been charged with a motor vehicle violation in connection with such accident and a police officer has a reasonable and articulable suspicion that such operator operated such motor vehicle while under the influence of intoxicating liquor or any drug, or both, then: (1) A blood, **[**or**]** breath or urine sample shall be obtained from any surviving operator. The test shall be performed by or at the direction of a police officer according to methods and with equipment approved by the Department of Emergency Services and Public Protection and shall be performed by a person certified or recertified for such purpose by said department or recertified by persons certified as instructors by the Commissioner of Emergency Services and Public Protection. The equipment used for such test shall be checked for accuracy by a person certified by the Department of Emergency Services and Public Protection immediately before and after such test is performed. If a blood test is performed, it shall be on a blood sample taken by a person licensed to practice medicine and surgery in this state, a qualified laboratory technician, a registered nurse, a physician

assistant or a phlebotomist. [The blood samples] A blood sample obtained from an operator pursuant to this subsection shall be examined for the presence and concentration of alcohol and any drug by the Division of Scientific Services within the Department of Emergency Services and Public Protection. (2) A drug influence evaluation shall be conducted by a drug recognition expert on any surviving operator, if the operator is not seriously injured or is not otherwise unable to take the evaluation as a result of the traffic accident.

(c) Each police officer who obtains from a surviving operator any blood, breath or urine sample or has a drug influence evaluation conducted on such an operator pursuant to subsection (b) of this section shall submit to the Commissioner of Motor Vehicles a written report providing the results of such sample on a form approved by the commissioner. The commissioner may, after notice and an opportunity for a hearing held in accordance with chapter 54 and section 14-227b, as amended by this act, suspend the motor vehicle operator's license or operating privilege of such person and require such person to install and maintain an ignition interlock device as provided for in subsection (i) of section 14-227b, as amended by this act. Such hearing shall be limited to a determination of the following issues: (1) Was the person operating the motor vehicle; (2) was the person's sample obtained in accordance with the provisions of subsection (b) of this section or was the drug influence evaluation conducted pursuant to subsection (b); and (3) was the examined sample found to have an elevated blood alcohol content, as defined in section 14-227b, as amended by this act, as defined in section 14-227b, as amended by this act, or was there substantial evidence that the person was operating the motor vehicle under the influence of intoxicating liquor or any drug or both.

(d) In any motor vehicle accident resulting in the death of a person, the responding police department shall assign an ARIDE-trained officer to respond if such an officer is available.

(e) A person qualified to withdraw blood or any hospital, laboratory or clinic employing or utilizing the services of such a person shall not incur any civil liability as a result of such activities if requested by a law enforcement officer acting in accordance with this section to withdraw blood unless the actions of the person while performing such activities constitutes gross negligence.

Sec. 5. Subsection (c) of section 14-44k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 2, 2022*):

(c) In addition to any other penalties provided by law, and except as provided in subsection (d) of this section, a person is disqualified from operating a commercial motor vehicle for one year if the commissioner finds that such person has refused to (i) submit to a test to determine such person's blood alcohol concentration while operating any motor vehicle or to a nontestimonial drug influence evaluation conducted by a drug recognition expert, [or has failed such a test when given,] (ii) has an elevated blood alcohol content based on such a test pursuant to section 14-227b, as amended by this act, or (iii) was found to have been operating under the influence of intoxicating liquor or any drug or both based on a report filed pursuant to the provisions of subsection (d) of section 14-227b, as amended by this act, or pursuant to the provisions of a law of any other state that is deemed by the commissioner to be substantially similar to section 14-227b, as amended by this act. For the purpose of this subsection, a person shall be deemed to have failed such a test if, when driving a commercial motor vehicle, the ratio of alcohol in the blood of such person was four-hundredths of one per cent or more of alcohol, by weight, or if, when driving any other motor vehicle, the ratio of alcohol in the blood of such person was [eight] five-hundredths of one per cent or more of alcohol, by weight.

Sec. 6. Subsection (a) of section 14-227m of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 2, 2022):

(a) No person shall operate a motor vehicle in which a child under eighteen years of age is a passenger while such person (1) is under the influence of intoxicating liquor or any drug or both, or (2) has an elevated blood alcohol content. For the purposes of this section, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is [eight] five-hundredths of one per cent or more of alcohol, by weight, except that if such person is operating a commercial motor vehicle, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, and if such person is under twenty-one years of age, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol by weight; and "motor vehicle" includes a snowmobile and all-terrain vehicle, as those terms are defined in section 14-379.

Sec. 7. Subdivision (3) of subsection (a) of section 14-227n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 2, 2022*):

(3) For the purposes of this section, "motor vehicle specially designated for carrying children" means any motor vehicle, except for a registered school bus or student transportation vehicle as defined in section 14-212, that is designated or used by a person, firm or corporation for the transportation of children to or from any program or activity organized primarily for persons under the age of eighteen years, with or without charge to the individual being transported, but does not include a passenger motor vehicle normally used for personal, family or household purposes that is operated by a person without a public passenger endorsement; and "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is [eight] five-hundredths of one per cent or more of alcohol, by weight, except that if such person is operating a commercial motor vehicle, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, and if such person is under twenty-one years of age, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight.

Sec. 8. (NEW) (*Effective July 1, 2021*) The state traffic safety resource prosecutor, in consultation with the Department of Transportation, the Department of Motor Vehicles, the state-wide drug recognition expert coordinator, the National Highway Traffic Safety Administration and the Connecticut Police Chiefs Association, shall (1) develop educational materials and programs about the drug recognition expert program and drug influence evaluations, and (2) make such materials and programs available to the Judicial Branch and the Connecticut Judges Association.

Sec. 9. Subsection (d) of section 15-133 of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 2, 2022):

(d) No person shall operate a vessel: (1) While under the influence of intoxicating liquor or any drug, or both, or (2) while such person has an elevated blood alcohol content. For the purposes of this section and sections 15-140*l* and 15-140n, "elevated blood alcohol content" means: (A) A ratio of alcohol in the blood of such person that is [eight] five-hundredths of one per cent or more of alcohol, by weight, or (B) if such person is under twenty-one years of age, a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight. For the purposes of this section and sections 15-132a, 15-140*l*, 15-140n,

15-140o and 15-140q, "operate" means that the vessel is underway or aground and not moored, anchored or docked.

Sec. 10. Section 15-140q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 2, 2022*):

(a) Any person who operates a vessel in this state shall be deemed to have consented to (1) a chemical **[**analysis**]** test of such person's blood, breath or urine, **[**and if**]** and (2) a nontestimonial drug influence evaluation conducted by a drug recognition expert. If such person is a minor, such person's parent or parents or guardian shall also be deemed to have given their consent for such **[**an analysis of the minor's blood, breath or urine**]** test or evaluation.

[(b) If any such person, having been placed under arrest for: (1) Violating subsection (b) of section 53-206d; (2) operating a vessel upon the waters of this state while under the influence of intoxicating liquor or any drug, or both; (3) operating a vessel upon the waters of this state while such person has an elevated blood alcohol content, and thereafter, after being apprised of such person's constitutional rights, having been requested to submit to a blood, breath or urine test at the option of the police officer, having been afforded a reasonable opportunity to telephone an attorney prior to the performance of such test and having been informed that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation issued by the commissioner as a condition of operating a vessel shall be suspended in accordance with the provisions of this section if such person refuses to submit to such test or if such person submits to such test and the results of such test indicate that such person has an elevated blood alcohol content and that evidence of any such refusal shall be admissible in accordance with subsection (d) of section 15-140r, and may be used against such person in any criminal prosecution, refuses to submit to the designated test, the test shall not be given; provided, if such person refuses or is unable to submit to a blood test, the peace officer shall designate the breath or urine test as the test to be taken. The peace officer shall make a notation upon the records of the police department that such officer informed such person that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation would be suspended if such person refused to submit to such test or if such person submitted to such test and the results of such test indicated that such person has an elevated blood alcohol content.**]**

(b) (1) A police officer who has placed a person under arrest for violating subsection (b) of section 53-206d; operating a vessel upon the waters of this state while under the influence of intoxicating liquor or any drug, or both; or operating a vessel upon the waters of this state while such person has an elevated blood alcohol content, may request that such person submit to a blood, breath or urine test at the option of the police officer, a drug influence evaluation conducted by a drug recognition expert or both, after such person has been (A) apprised of such person's constitutional rights, (B) afforded a reasonable opportunity to telephone an attorney prior to the performance of such test or evaluation, (C) informed that evidence of any refusal to submit to such test or evaluation shall be admissible in accordance with subsection (d) of section 15-140r, as amended by this act, and may be used against such person in any criminal prosecution, except that refusal to submit to the testimonial portions of a drug influence evaluation shall not be considered evidence of refusal of such evaluation for purposes of any criminal prosecution, and (D) informed that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation issued by the commissioner as a condition of operating a vessel may be suspended in accordance with the provisions of this section if (i) such person refuses to submit to such test or

nontestimonial portion of a drug influence evaluation, (ii) such person submits to such test and the results of such test indicate that such person has an elevated blood alcohol content, or (iii) the officer believes there is substantial evidence to conclude that such person was operating a vessel under the influence of intoxicating liquor or any drug or both.

(2) If the person refuses to submit to any test or drug evaluation, the test or evaluation shall not be given, except that if the person refuses or is unable to submit to a blood test, the police officer shall designate another test to be taken. If a person submits to a breath test and the results indicate that the person does not have an elevated blood alcohol content, the police officer may request that the person submit to a different type of test, except that if the person refuses or is unable to submit to a blood test, the police officer shall designate a urine test to be taken. The police officer shall make a notation upon the records of the police department that such officer informed the person that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation may be suspended if such person (A) refused to submit to such test or the nontestimonial portions of a drug influence evaluation; (B) submitted to such test and the results of such test indicated that such person had an elevated blood alcohol content; or (C) the officer believes there is substantial evidence to conclude that such person was operating a vessel under the influence of intoxicating liquor or any drug or both.

(c) (1) If the person arrested refuses to submit to such test or [analysis] nontestimonial portion of a drug influence evaluation, or submits to such test [or analysis] and the results of such test [or analysis] indicate that at the time of the alleged offense such person had an elevated blood alcohol content, the peace officer shall immediately revoke the safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation, if any, of such person for a twenty-four-hour period. The peace officer shall prepare a written report of the incident and shall mail the report, together with any certificate taken into possession and a copy of the results of any chemical test or analysis, to the commissioner within three business days, except that failure of an officer to mail or transmit such report within three business days shall not impact a decision to suspend a safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation issued by the commissioner as a condition of operating a vessel and shall not render such report inadmissible at a hearing under this section. The report shall be made on a form approved by the commissioner and shall be subscribed and sworn to under penalty of false statement as provided in section 53a-157b by the peace officer before whom such refusal was made or who administered or caused to be administered such test or analysis. If the person arrested refused to submit to such test or [analysis] evaluation, the report shall be endorsed by a third person who witnessed such refusal. The report shall set forth the grounds for the officer's belief that there was probable cause to arrest such person for operating such vessel while under the influence of intoxicating liquor or any drug, or both, or while such person has an elevated blood alcohol content and shall state that such person refused to submit to such test or [analysis] evaluation when requested by such peace officer or that such person submitted to such test [or analysis] and the results of such test [or analysis] indicated that such person at the time of the alleged offense had an elevated blood alcohol content.

[(d) If the person arrested submits to a blood or urine test at the request of the peace officer, and the specimen requires laboratory analysis in order to obtain the test results, and if the test results indicate that such person has an elevated blood alcohol content, the peace officer, immediately upon receipt of the test results, shall notify and submit to the commissioner the written report required pursuant to subsection (c) of this section.]

(d) If a police officer who has placed a person under arrest for violating subsection (b) of section 53-206d; operating a vessel upon the waters of this state while under the influence of intoxicating liquor or any drug, or both; or operating a vessel upon the waters of this state while such person has an elevated blood alcohol content does not request that such person submit to a blood, breath or urine test under subsection (b) of this section, or obtains test results from a test administered under subsection (b) of this section that indicate that the person does not have an elevated blood alcohol content, such officer shall:

(1) Advise such person that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation issued by the commissioner as a condition of operating a vessel may be suspended in accordance with the provisions of this section if such police officer believes there is substantial evidence to conclude that such person was operating a vessel under the influence of intoxicating liquor or any drug, or both; and

(2) Submit a report to the commissioner in accordance with the procedure set forth in subsection (c) of this section and, if such report contains the results of a blood, breath or urine test that does not show an elevated blood alcohol content, such report shall conform to the requirements in subsection (c) of this section for reports that contain results showing an elevated blood alcohol content. In any report submitted under this subdivision, the officer shall document (A) the basis for the officer's belief that there was probable cause to arrest such person for a violation of subsection (b) of section 53-206d; operating a vessel upon the waters of this state while under the influence of intoxicating liquor or any drug, or both; or operating a vessel upon the waters of this state while such person has an elevated blood alcohol content, and (B) whether the officer believes that there is substantial evidence to conclude that the person was operating a vessel under the influence of intoxicating liquor or any drug, or both. With such report, the officer may submit other supporting documentation indicating the person's intoxication by liquor or any drug, or both. If the officer believes there is substantial evidence to conclude that the person was operating a vessel under the influence of intoxicating liquor or any drug or both, the officer shall immediately revoke and take possession of the person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation issued by the commissioner as a condition of operating a vessel, for a twenty-four-hour period.

(e) Upon receipt of [such] a report submitted under subsection (c) or (d), the commissioner shall suspend the safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation of such person effective as of a date certain, such date certain shall be no later than thirty-five days [after] from the later of the date such person received (A) notice of such person's arrest by the peace officer, or (B) the results of a blood or urine test or a drug influence evaluation. Any person whose safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation is suspended in accordance with this subsection shall be entitled to a hearing before the commissioner to be held prior to the effective date of the suspension. The commissioner shall send a suspension notice to such person informing such person that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation is suspended and shall specify the date of such suspension and that such person is entitled to a hearing prior to the effective date of the suspension and may schedule such hearing by contacting the commissioner not later than seven days after the date of mailing of such suspension notice.

(f) If such person does not contact the department to schedule a hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) of this section.

(g) (1) If such person contacts the department to schedule a hearing, the commissioner shall assign a date, time and place for the hearing, which date shall be prior to the effective date of the suspension. At the request of such person and upon a showing of good cause, the commissioner may grant one continuance for a period not to exceed thirty days. [The hearing]

(2) A hearing based on a report submitted under subsection (c) of this section shall be limited to a determination of the following issues: [(1)] (A) Whether the peace officer had probable cause to arrest the person for operating the vessel while under the influence of intoxicating liquor or drugs, or both, or while such person has an elevated blood alcohol content; [(2)] (B) whether such person was placed under arrest; [(3)] (C) whether such person [(A)] (i) refused to submit to such test or [analysis] nontestimonial portion of drug influence evaluation, or [(B)] (ii) submitted to such test [or analysis] and the results of such test [or analysis] indicated that at the time of the alleged offense that such person had an elevated blood alcohol content; and [(4)] (D) whether such person was operating the vessel.

(3) A hearing based on a report submitted under subsection (d) of this section shall be limited to a determination of the following issues: (A) Whether the peace officer had probable cause to arrest the person for operating a vessel while under the influence of intoxicating liquor or drugs, or both, or while such person has an elevated blood alcohol content; (B) whether such person was placed under arrest; (C) whether there is substantial evidence to conclude that the person was operating a vessel under the influence of intoxicating liquor or any drug, or both; and (D) whether such person was operating the vessel.

(4) At [the] a hearing held under this subsection, the results of the test, [or analysis] if administered, shall be sufficient to indicate the ratio of alcohol in the blood of such person at the time of operation, except that if the results of an additional test, administered pursuant to section 15-140r, as amended by this act, indicate that the ratio of alcohol in the blood of such person is [eight] five-hundredths of one per cent or less of alcohol, by weight, and is higher than the results of the first test, evidence shall be presented that demonstrates that the test results and analysis thereof accurately indicate the blood alcohol content at the time of operation. The fees of any witness summoned to appear at [the] a hearing under this subsection shall be the same as provided in section 52-260.

(5) In a hearing based on a report submitted under subsection (d) of this section, evidence of operation under the influence of intoxicating liquor or any drug, or both shall be admissible. Such evidence may include, but need not be limited to, (A) the police officer's observations of intoxication, as documented in a report submitted to the commissioner under subsection (d) of this section; (B) the results of any chemical test administered under this section or a toxicology report certified by the Division of Scientific Services; (C) hospital or medical records obtained in accordance with subsection (j) of this section or by the consent of the operator; or (D) reports of drug recognition experts.

(h) If, after [such] a hearing under subdivision (2) of subsection (g) of this section, the commissioner finds in the negative on any one of [said] the issues in [the negative] subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner shall stay the safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation suspension. If, after a

hearing under subdivision (3) of subsection (g) of this section, the commissioner finds in the negative on any one of the issues in subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner shall stay the safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation suspension. If, after such hearing under subdivision (2) or (3) of subsection (g) of this section, the commissioner does not find on any one of said issues in the negative or if such person fails to appear at such hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) of this section. The commissioner shall render a decision at the conclusion of such hearing or send a notice of the decision by certified mail to such person not later than thirty-five days from the date of notice of such person's arrest by the peace officer or, if a continuance is granted, not later than sixty-five days from the date such person received notice of such person's arrest by the peace officer. The notice of such decision sent by certified mail to the address of such person as shown by the records of the commissioner shall be sufficient notice to such person that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation is suspended or the suspension is stayed. Unless a continuance of the hearing is granted pursuant to subsection (g) of this section, if the commissioner fails to render a decision within thirty-five days from the date that such person received notice of such person's arrest by the peace officer, the commissioner shall not suspend such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation.

(i) The commissioner shall suspend the operator's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation of a person who does not contact the department to schedule a hearing under subsection (e) of this section, who fails to appear at such hearing, or against whom, after a hearing, the commissioner holds pursuant to subsection (g) of this section. Such suspension shall be as of the effective date contained in the suspension notice or the date the commissioner renders a decision, whichever is later, for a period of: (1) (A) Except as provided in subparagraph (B) of this subdivision, ninety days if such person submitted to a test [or analysis] and the results of such test [or analysis] indicated that at the time of the alleged offense that such person had an elevated blood alcohol content, or such person was found to have been operating a vessel under the influence of intoxicating liquor or any drug, or both, based on a report filed pursuant to subsection (d) of this section, or (B) one hundred twenty days if such person submitted to a test [or analysis] and the results of such test [or analysis] indicated that the ratio of alcohol in the blood of such person was sixteen-hundredths of one per cent or more of alcohol, by weight, or (C) six months if such person refused to submit to such test; [or analysis;] (2) if such person has previously had such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation suspended under this section, (A) except as provided in subparagraph (B) of this subdivision, nine months if such person submitted to a test [or analysis] and the results of such test [or analysis] indicated that at the time of the alleged offense that such person had an elevated blood alcohol content, or such person was found to have been operating a vessel under the influence of intoxicating liquor or any drug, or both, based on a report filed pursuant to subsection (d) of this section, (B) ten months if such person submitted to a test [or analysis] and the results of such test [or analysis] indicated that the ratio of alcohol in the blood of such person was sixteen-hundredths of one per cent or more of alcohol, by weight, and (C) one year if such person refused to submit to such test; [or analysis;] and (3) if such person has two or more times previously had such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation suspended under this section, (A) except as provided in subparagraph (B) of this subdivision, two years if such person submitted to a test [or analysis] and the results of such test [or analysis]

indicated that at the time of the alleged offense that such person had an elevated blood alcohol content, or such person was found to have been operating a vessel under the influence of intoxicating liquor or any drug, or both, based, on a report filed pursuant to subsection (d) of this section, (B) two and one-half years if such person submitted to a test [or analysis] and the results of such test [or analysis] indicated that the ratio of alcohol in the blood of such person was sixteen-hundredths of one per cent or more of alcohol, by weight, and (C) three years if such person refused to submit to such test. [or analysis.]

(j) Notwithstanding the provisions of subsections (b) to (i), inclusive, of this section, any peace officer who obtains the results of a chemical analysis of a blood sample taken from an operator of a vessel involved in an accident who suffered or allegedly suffered physical injury in such accident shall notify the commissioner and submit to the commissioner a written report if such results indicate that at the time of the alleged offense such person had an elevated blood alcohol content, or any quantity of an intoxicating liquor or any drug, or both, in such person's blood, and if such person was arrested for a violation of section 15-132a, subsection (d) of section 15-133 or section 15-140/ or 15-140n in connection with such accident. The report shall be made on a form approved by the commissioner containing such information as the commissioner prescribes and shall be subscribed and sworn under penalty of false statement, as provided in section 53a-157b, by the peace officer. The commissioner shall, after notice and an opportunity for hearing, which shall be conducted in accordance with chapter 54, suspend the safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation of such person for a period of up to ninety days, or, if such person has previously had such person's operating privilege suspended under this section, for a period up to one year. Each hearing conducted under this section shall be limited to a determination of the following issues: (1) Whether the peace officer had probable cause to arrest the person for operating a vessel while under the influence of intoxicating liquor or drugs, or both, or while such person has an elevated blood alcohol content; (2) whether such person was placed under arrest; (3) whether such person was operating the vessel; (4) whether the results of the analysis of the blood of such person indicate that such person had an elevated blood alcohol content, or there is substantial evidence to conclude that the person was operating a vessel under the influence of intoxicating liquor or any drug, or both; and (5) whether the blood sample was obtained in accordance with conditions for admissibility as set forth in section 15-140s. If, after such hearing, the commissioner finds on any issue in the negative, the commissioner shall not impose a suspension. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for witnesses in criminal cases.

(k) The provisions of this section shall apply with the same effect to the refusal by any person to submit to an additional chemical test as provided in [subdivision (5)] subparagraph (E) of subdivision (1) of subsection (a) of section 15-140r, as amended by this act.

(l) The provisions of this section do not apply to any person whose physical condition is such that, according to competent medical advice, such test would be inadvisable.

(m) The state shall pay the reasonable charges of any physician who, at the request of a municipal police department, takes a blood sample for purposes of a test under the provisions of this section.

(n) For the purposes of this section, "elevated blood alcohol content" means: (1) (A) A ratio of alcohol in the blood of such person that is [eight] five-hundredths of one per cent or more of alcohol, by weight, or (2) if such person is under twenty-one years of age, a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight.

(o) The commissioner may adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

(p) For purposes of this section and section 15-140r, as amended by this act, (1) "drug influence evaluation" means a twelve-part evaluation developed by the National Highway Traffic Safety Administration and the International Association of Chiefs of Police that is conducted by a drug recognition expert to determine the level of a person's impairment from the use of drugs and the type of drug or drugs causing such impairment; (2) "drug recognition expert" means a person certified by the International Association of Chiefs of Police as having met all requirements of the International Drug Evaluation and Classification Program; and (3) "nontestimonial portion of a drug influence evaluation" means a drug influence evaluation conducted by a drug recognition expert that does not include a verbal interview with the subject.

Sec. 11. Section 15-140r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 2, 2022*):

(a) (1) Except as provided in section 15-140s or subsection (d) of this section, in any criminal prosecution for the violation of section 15-132a, subsection (d) of section 15-133, section 15-140*l* or 15-140n or subsection (b) of section 53-206d, evidence respecting the amount of alcohol or drug in the defendant's blood or urine at the time of the alleged offense, as shown by a chemical **[**analysis**]** test of the defendant's breath, blood or urine shall be admissible and competent provided: **[**(1)**]** (A) The defendant was afforded a reasonable opportunity to telephone an attorney prior to the performance of the test and consented to the taking of the test upon which such analysis is made; **[**(2)**]** (B) a true copy of the report of the test result was mailed to or personally delivered to the defendant within twenty-four hours or by the end of the next regular business day, after such result was known, whichever is later; **[**(3)**]** (C) the test was performed by or at the direction of a certified law enforcement officer according to methods and with equipment approved by the Department of Emergency Services and Public Protection, and if a blood test was performed, it was performed on a blood sample taken by a person licensed to practice medicine and surgery in this state, a qualified laboratory technician, an emergency medical technician II or a registered nurse in accordance with the regulations adopted under subsection (b) of this section; **[**(4)**]** (D) the device used for such test was checked for accuracy in accordance with the regulations adopted under subsection (b) of this section; **[**(5)**]** (E) an additional chemical test of the same type was performed at least ten minutes after the initial test was performed or, if requested by the peace officer for reasonable cause, an additional chemical test of a different type was performed, including a test to detect the presence of a drug or drugs other than or in addition to alcohol, except that the results of the initial test shall not be inadmissible under this subsection if reasonable efforts were made to have such additional test performed in accordance with the conditions set forth in this subsection and (i) such additional test was not performed or was not performed within a reasonable time, or (ii) the results of such additional test are not admissible for failure to meet a condition set forth in this subsection; and **[**(6)**]** (F) evidence is presented that the test was commenced within two hours of operation of the vessel or expert testimony establishes the reliability of a test commenced beyond two hours of operation of the vessel. In any prosecution under this section, it shall be a rebuttable presumption that the results of such chemical analysis establish the ratio of alcohol in the blood of the defendant at the time of the alleged offense, except that if the results of the additional test indicate that the ratio of alcohol in the blood of such defendant is ten-hundredths of one per cent or less of alcohol, by weight, and is higher than the results of the first test, evidence shall be presented that demonstrates that the test results and the analysis thereof accurately indicate the blood alcohol content at the time of the alleged offense.

(2) If a law enforcement officer who is a drug recognition expert conducts a drug influence evaluation, the officer's testimony concerning such evaluation shall be admissible and competent as evidence of the operation of a vessel while under the influence of liquor or any drug or both under subdivision (1) of subsection (a) of this section.

(b) The Commissioner of Emergency Services and Public Protection shall ascertain the reliability of each method and type of device offered for chemical testing and analysis of blood, of breath and of urine and certify those methods and types which the Commissioner of Emergency Services and Public Protection finds suitable for use in testing and analysis of blood, breath and urine, respectively, in this state. The Commissioner of Emergency Services and Public Protection, after consultation with the Commissioner of Public Health, shall adopt regulations, in accordance with chapter 54, governing the conduct of chemical tests, the operation and use of chemical test devices and the training and certification of operators of such devices and the drawing or obtaining of blood, breath or urine samples as the Commissioner of Emergency Services and Public Protection finds necessary to protect the health and safety of persons who submit to chemical tests and to insure reasonable accuracy in testing results. Such regulations shall not require recertification of a peace officer solely because such officer terminates such officer's employment with the law enforcement agency for which certification was originally issued and commences employment with another such agency.

(c) If a person is charged with a violation of section 15-132a, subsection (d) of section 15-133 or section 15-140*l* or 15-140n, the charge may not be reduced, nolled or dismissed unless the prosecuting authority states in open court such prosecutor's reasons for the reduction, nolle or dismissal.

(d) (1) In any criminal prosecution for a violation of section 15-132a, subsection (d) of section 15-133 or section 15-140*l* or 15-140n, evidence that the defendant refused to submit to a blood, breath or urine test or nontestimonial portion of a drug influence evaluation requested in accordance with section 15-140q, as amended by this act, shall be admissible provided the requirements of subsection (a) of said section have been satisfied. If a case involving a violation of section 15-132a, subsection (d) of section 15-133 or section 15-140*l* or 15-140n is tried to a jury, the court shall instruct the jury as to any inference that may or may not be drawn from the defendant's refusal to submit to a blood, breath or urine test or evaluation.

(2) A drug recognition expert may testify as to his or her opinion or otherwise as to the significance of any symptoms of impairment or intoxication for which evidence has been admitted or on the condition that such evidence be introduced.

(3) In any prosecution for a violation of subdivision (1) of subsection (a) of this section in which it is alleged that the defendant's operation of a vessel was impaired, in whole or in part, by consumption of cannabis, cannabis products or THC, as those terms are defined in section 1 of this act, the court may take judicial notice that the ingestion of THC (i) can impair a person's ability to operate a vessel; (ii) can impair a person's motor function, reaction time, tracking ability, cognitive attention, decision-making, judgment, perception, peripheral vision, impulse control and memory; and (iii) does not enhance a person's ability to safely operate a vessel.

Sec. 12. Section 38a-498c of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 2, 2022):

No individual health insurance policy providing coverage of the type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469 delivered, issued for delivery, amended, renewed or continued in this state shall deny coverage for health care services rendered to treat any injury sustained by any person when

such injury is alleged to have occurred or occurs under circumstances in which (1) such person has an elevated blood alcohol content, or (2) such person has sustained such injury while under the influence of intoxicating liquor or any drug or both. For the purposes of this section, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is [eight] five-hundredths of one per cent or more of alcohol, by weight.

Sec. 13. Section 38a-525c of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 2, 2022):

No group health insurance policy providing coverage of the type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469 delivered, issued for delivery, amended, renewed or continued in this state shall deny coverage for health care services rendered to treat any injury sustained by any person when such injury is alleged to have occurred or occurs under circumstances in which (1) such person has an elevated blood alcohol content, or (2) such person has sustained such injury while under the influence of intoxicating liquor or any drug or both. For the purposes of this section, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is [eight] five-hundredths of one per cent or more of alcohol, by weight.

Sec. 14. Section 53-206d of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 2, 2022):

(a)(1) No person shall carry a pistol, revolver, machine gun, shotgun, rifle or other firearm, which is loaded and from which a shot may be discharged, upon his person (A) while under the influence of intoxicating liquor or any drug, or both, or (B) while the ratio of alcohol in the blood of such person is [eight] five-hundredths of one per cent or more of alcohol, by weight. (2) Any person who violates any provision of this subsection shall be guilty of a class B misdemeanor.

(b) (1) No person shall engage in hunting while under the influence of intoxicating liquor or any drug, or both. A person shall be deemed under the influence when at the time of the alleged offense the person (A) is under the influence of intoxicating liquor or any drug, or both, or (B) has an elevated blood alcohol content. For the purposes of this subdivision, "elevated blood alcohol content" means (i) a ratio of alcohol in the blood of such person that is [eight] five-hundredths of one per cent or more of alcohol, by weight, or (ii) if such person is under twenty-one years of age, a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight. (2) Any person who violates any provision of this subsection shall be guilty of a class A misdemeanor. (3) Enforcement officers of the Department of Energy and Environmental Protection are empowered to arrest for a violation of the provisions of this subsection.

Sec. 15. (NEW) (Effective January 2, 2022):

(a) No person shall smoke or ingest marijuana or any marijuana product while operating a motor vehicle.

(b) No person shall smoke marijuana while riding as a passenger in motor vehicle while such vehicle is being operated.

(c) A violation of this section is a class C misdemeanor.


STATE OF CONNECTICUT
QUI TRANSTULIT SUSTINET

Agency Legislative Proposal - 2021 Session

Document Name: 100120_DOT_FOIA Rail Fatalities

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pam Sucato
Phone: 860.594.3013
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Lead agency division requesting this proposal: Public Transportation

Agency Analyst/Drafter of Proposal: Alice M. Sexton, Principal Attorney, 860.594.3045

Title of Proposal: AAC FOIA Law and Video of Trespasser Fatalities on the Railroad.

Statutory Reference: 1-210(b)(27)

Proposal Summary:
To add victims of suicide to the exemption in the FOI Act permitting non-disclosure of photographs, film, video or digital or other visual image depicting the victim of a homicide.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

The Department's contracts with service providers of public transportation services often require the provider to have video cameras on their vehicle or rail car. Occasionally, trespassers commit suicide by stepping in front of moving trains. When such trains have video affixed to the front of the rail car, the suicide is captured on video. The Department is concerned that disclosing such images to anyone other than a family member or legal representative of the decedent's estate would be cruel and an invasion of the family's privacy.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: Freedom of Information Commission **Agency Contact (*name, title, phone*):** Colleen Murphy, Exec. Dir. & General Counsel, 860-566-5682 **Date Contacted:** 9.14.2020 Approve of Proposal: ☐ **YES** ☒ **NO** ☐ **Talks Ongoing**
Summary of Affected Agency's Comments
Will there need to be further negotiation? ☐ **YES** ☒**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal:
State:
Federal:
Additional notes on fiscal impact

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

◊ **EVIDENCE BASE**

AAC FOIA Law and Video of Trespasser Fatalities on the Railroad.

Subdivision (27) of subsection (b) of section 1-210 of the general statutes is amended to read as follows (Effective October 1, 2020):

(27) Any record created by a law enforcement agency or other federal, state, or municipal governmental agency consisting of a photograph, film, video or digital or other visual image depicting the victim of a

homicide or suicide, to the extent that such record could reasonably be expected to constitute an unwarranted invasion of the personal privacy of the victim or the victim's surviving family members;

Agency Legislative Proposal - 2021 Session

Document Name: 100120_DOT_AV

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Transportation

Liaison: Pam Sucato
Phone: 860.594.3013
E-mail: pamela.sucato@ct.gov

Lead agency division requesting this proposal: Policy and Planning

Agency Analyst/Drafter of Proposal: Peter Calcaterra

Title of Proposal: AA Revising the Automated Vehicle Statute.

Statutory Reference: 13a-260

Proposal Summary:
This proposal updates the current statute to better align with national best practices.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

This proposal will update Connecticut's existing automated vehicle statute, 13a-260, to better reflect national best practices implemented in other states for the safe testing and operation of automated driving systems on public roadways. In addition, these changes will remove barriers to the automated driving industry and provide a more flexible framework for the industry to do business in Connecticut.

This proposal does the following:

1. Defines standardized terms and other key terms related to automated driving systems (ADS) and ADS-equipped vehicles
2. Requires Department of Transportation in consultation with sister agencies to update and publish statewide guidelines and requirements for testing and operating ADS-equipped vehicles highways in Connecticut

3. Outlines high-level vehicle safety, permitting, registration, title, insurance and emissions requirements for ADS-equipped vehicles
4. Outlines testing and operational requirements for ADS-equipped vehicles
5. Establishes criteria for assessing and enforcing compliance with applicable traffic and motor vehicle laws when an ADS-equipped vehicle is testing or operating on highways in Connecticut
6. Establishes crash protocols for ADS-equipped vehicles.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: Department of Motor Vehicles
Agency Contact (*name, title, phone*): Sharon Geanuracos
Date Contacted: Various Dates in September 2020

Approve of Proposal ☒ **YES** ☐ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments

Will there need to be further negotiation? ☐ **YES** ☐**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal: None

State: None

Federal: None

Additional notes on fiscal impact

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

This proposal calls for the repeal of existing automated vehicle statute (13a-260) and replaces it with provisions that better align with national best practices for safe testing and operation of automated driving systems.

◊ **EVIDENCE BASE**

AN ACT REVISING THE AUTOMATED VECHICLE STATUTE.

Section 13a-260 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*)

Sec. 13a-260. [Pilot program to test fully autonomous vehicles.] **Automated Driving Systems**
[(a) For the purposes of this section:

(1) "Fully autonomous vehicle" means a motor vehicle that is equipped with an automated driving system, designed to function without an operator and classified as level four or level five by SAE J3016;

(2) "Automated driving system" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether the automated driving system is limited to a specific operational design domain;

(3) "Dynamic driving task" means the real-time operational and tactical functions required to operate a motor vehicle on highways, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints;

(4) "Operational design domain" means a description of the operating domains in which an automated driving system is designed to function, including, but not limited to, geographic, roadway, environmental and speed limitations;

(5) "SAE J3016" means the "Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles" published by SAE International in September 2016;

(6) "Operator" means the person seated in the driver's seat of a fully autonomous vehicle;

(7) “Autonomous vehicle tester” means an autonomous vehicle manufacturer, institution of higher education, fleet service provider or automotive equipment or technology provider;

(8) “Fleet service provider” means a person or entity that owns or leases a fully autonomous vehicle and operates such fully autonomous vehicle for commercial or public use;

(9) “Autonomous vehicle manufacturer” means: (A) A person or entity that builds or sells fully autonomous vehicles; (B) a person or entity that installs automated driving systems in motor vehicles that are not originally built as fully autonomous vehicles; or (C) a person or entity that develops automated driving systems in fully autonomous vehicles or motor vehicles that are not originally built as fully autonomous vehicles;

(10) “Secretary” means the Secretary of the Office of Policy and Management; and

(11) “Highway”, “limited access highway” and “operator's license” have the same meanings as defined in section 14-1.

(b) The Office of Policy and Management, in consultation with the Departments of Motor Vehicles, Transportation and Emergency Services and Public Protection, shall establish a pilot program for not more than four municipalities to allow autonomous vehicle testers to test fully autonomous vehicles on the highways of such municipalities. Municipalities shall apply to the Secretary of the Office of Policy Management in the manner and form directed by the secretary for inclusion in the pilot program. The secretary shall select at least one municipality with a population of at least one hundred twenty thousand, but not more than one hundred twenty-four thousand, and one municipality with a population of at least one hundred thousand, as enumerated in the 2010 federal decennial census.

(c) The chief elected official or chief executive officer of a municipality selected by the secretary shall select and enter into a written agreement with an autonomous vehicle tester or autonomous vehicle testers to test fully autonomous vehicles on the highways of the municipality. Such agreement shall, at a minimum: (1) Specify the locations and routes where such fully autonomous vehicles may operate; (2) prohibit the operation of such fully autonomous vehicles outside such locations and routes except in the case of an emergency; (3) identify each fully autonomous vehicle to be tested by vehicle identification number, make, year and model; and (4) specify the hours of operation of such fully autonomous vehicles.

(d) An autonomous vehicle tester shall not test a fully autonomous vehicle in a municipality unless:

(1) The operator is: (A) Seated in the driver's seat of the fully autonomous vehicle; (B) monitoring the operation of such fully autonomous vehicle; (C) capable of taking immediate manual control of such fully autonomous vehicle; (D) an employee, independent contractor or other person designated and trained by the autonomous vehicle tester concerning the capabilities and limitations of such fully autonomous vehicle; and (E) a holder of an operator's license;

(2) The autonomous vehicle tester: (A) Registers each fully autonomous vehicle to be tested with the Commissioner of Motor Vehicles pursuant to section 14-12; and (B) submits to the commissioner, in a manner and form directed by the commissioner, proof of liability insurance, self-insurance or a surety

bond of at least five million dollars for damages by reason of bodily injury, death or property damage caused by a fully autonomous vehicle; and

(3) The operator and autonomous vehicle tester: (A) Comply with any provision of the general statutes or any ordinance of a municipality concerning the operation of motor vehicles; (B) comply with standards established by the National Highway Traffic Safety Administration regarding fully autonomous vehicles; and (C) satisfy any other requirement as determined by the secretary, in consultation with the Commissioners of Motor Vehicles, Transportation and Emergency Services and Public Protection, as necessary to ensure the safe operation of such fully autonomous vehicle.

(e) No autonomous vehicle tester shall test a fully autonomous vehicle on any limited access highway.

(f) The secretary may immediately prohibit an operator or autonomous vehicle tester from testing a fully autonomous vehicle if the secretary, in consultation with the Commissioners of Motor Vehicles, Transportation and Emergency Services and Public Protection, determines that such testing poses a risk to public safety or that such operator or autonomous vehicle tester fails to comply with the provisions of this section or with the requirements of the pilot program.

(g) An autonomous vehicle tester that participates in the pilot program shall provide information to the secretary and the task force established pursuant to section 2 of public act 17-69* that the secretary and task force deem to be appropriate for measuring the performance of the pilot program. The autonomous vehicle tester may withhold any commercially valuable, confidential or proprietary information.

(h) Not later than January 1, 2019, and annually thereafter, the secretary shall submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to transportation, in accordance with section 11-4a, concerning the implementation and progress of the pilot program.]

(a) For the purposes of this section the following terms are defined:

(1) "Automated driving system or ADS" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain;

(2) “ADS-equipped vehicle” means a motor vehicle equipped with an automated driving system;

(3) “Driver” means a user who performs in real-time part or all of the dynamic driving tasks and/or dynamic driving tasks fallback for a particular vehicle;

(4) “Driver’s license” has the same meaning as defined in section 14-1.

(5) “Driving automation” means the performance by hardware and software systems of part or all of the dynamic driving tasks on a sustained basis;

(6) “Driving automation system” means the hardware and software that are collectively capable of performing part or all of the dynamic driving tasks on a sustained basis;

(7) "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints;

(8) “Dynamic driving task fallback” means the response by the user to either perform the dynamic driving task or achieve a minimal risk condition after occurrence of a dynamic driving task performance-relevant system failure(s) or upon operational design domain exit, or the response by an automated driving system to achieve minimal risk condition, given the same circumstances;

(9) “Fallback-ready user” means the user of a vehicle equipped with an engaged level 3 or conditional driving automation system who is able to operate the vehicle and is receptive to automated driving system-issued requests to intervene and to evident dynamic driving task performance-relevant system failures in the vehicle compelling the user to perform the dynamic driving task fallback;

(10) "Highway" has the same meaning as defined in section 14-1.

(11) “Level 3 or conditional driving automation” means the sustained and operational design domain-specific performance by an automated driving system of the entire dynamic driving task with the expectation that the dynamic driving task fallback-ready user is receptive to automated driving system-issued requests to intervene, as well as to dynamic driving task performance-relevant system failures in other vehicle systems, and will respond appropriately.

(12) “Minimal risk condition” means a condition to which a user or an automated driving system may bring a vehicle after performing the dynamic driving task fallback in order to reduce the risk of a crash when a given trip cannot or should not be completed;

(13) “Motor vehicle” has the same meaning as defined in section 14-1;

(14) “Operate” means collectively, the activities performed by a driver or by an automated driving system to perform the entire dynamic driving task for a given vehicle during a trip;

(15) "Operational design domain" means the operating conditions under which a given driving automation system or feature thereof is specifically designed to function, including, but not limited to, environmental, geographical, and time-of-day restrictions, and/or the requisite presence or absence of certain traffic or roadway characteristics;

(16) “Operator” means a driver or automated driving system that operates a motor vehicle;

(17) “Owner” has the same meaning as defined in section 14-1;

(18) “Request to intervene” means notification by an automated driving system to a fallback-ready user indicating that the fallback-ready user should promptly perform the dynamic driving task fallback, which may entail resuming manual operation of the vehicle, or achieving a minimal risk condition;

(19) “System failure” means a malfunction in a driving automation system and/or other vehicle system that prevents the driving automation system from reliably performing the portion of the dynamic driving task on a sustained basis, including the complete dynamic driving task, that it would otherwise perform.

(20) “Testing” means operating a motor vehicle equipped with an automated driving system for the purpose of demonstrating or evaluating the automated driving system on highways;

(21) “Trip” means the traversal of an entire travel pathway by a vehicle from the point of origin to a destination;

(22) “User” means a general term referencing the human role in driving automation;

(b) Not later than January 1, 2023, the Commissioner of the Department of Transportation, in consultation with the Secretary of the Office of Policy and Management, and the Commissioners of the Departments of Motor Vehicles, Insurance and Emergency Services and Public Protection, shall establish updated statewide guidelines and requirements for testing and operating ADS-equipped vehicles on highways in Connecticut that:

(1) incorporates the provisions included in this section and any applicable Federal requirements and national best practices for testing and operating ADS-equipped vehicles on highways;

(2) considers input received by industry, municipalities, the Connecticut legislative automated vehicle task force, the public and other stakeholders; and

(3) will be reviewed and updated regularly as needed.

(c) Before an ADS-equipped vehicle may be tested or operated on a highway in this state, the ADS-equipped vehicle shall:

(1) when required by federal law, have been certified as being in compliance with all applicable federal motor vehicle safety standards and regulations, and bear the required certification label, including reference to any exemption granted under federal law, regulations or standards; and

(2) adhere to all applicable state permitting, registration, title, emissions, and insurance requirements pursuant to this section and to titles 13 and 14 of the Connecticut general statutes as updated from time to time, unless an exemption has been granted;

(A) if the owner of an ADS-equipped vehicle is a resident of this state, the owner shall:

(i) properly register and title the vehicle as an ADS-equipped vehicle with the Commissioner of Motor Vehicles pursuant to section 14-12; and

(ii) submit to the Commissioner of Motor Vehicles, in a manner and form directed by the Commissioner of Motor Vehicles, proof of liability insurance, or a surety bond of at least five million dollars for damages by reason of bodily injury, death or property damage caused by an ADS

(d) An ADS-equipped vehicle may be tested or operated on a highway in this state if:

(1) the ADS-equipped vehicle meets all of the requirements in subsections (b) and (c); and if

(2) the ADS-equipped vehicle is operated, whether by the ADS or by a licensed driver, in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state, including municipal ordinances, unless an exemption has been granted

(e) For the purposes of assessing and enforcing compliance with applicable traffic and motor vehicle laws, when an ADS-equipped vehicle is testing or operating on highways in Connecticut and has the ADS engaged:

(1) the ADS is the operator, and shall perform the entire dynamic driving task of that motor vehicle during a trip;

(2) the ADS is not required to obtain or possess a driver's license to operate the motor vehicle;

(3) the owner of the ADS-equipped vehicle is responsible for the compliant operation of the motor vehicle;

(4) the ADS-equipped vehicle shall only operate within the operational design domain for that ADS as designated by the manufacturer, unless an exemption has been granted;

(5) if an operational design domain exit occurs or a system failure occurs that renders the ADS unable to perform the entire dynamic driving task relevant to the intended operational design domain of the ADS, the ADS shall achieve a minimal risk condition or make a request to intervene;

(f) In the event of a crash involving an ADS-equipped vehicle:

(1) the ADS-equipped vehicle shall achieve a minimal risk condition and remain on the scene of the crash;

(2) the owner of the ADS-equipped vehicle, or a person on behalf of the owner, shall immediately report the crash to law enforcement and shall remain on the scene of the crash until the arrival of law enforcement;

(3) whether or not the owner or a person on behalf of the owner is within the vehicle at the time of the crash, the owner of the vehicle shall ensure that the following information is promptly communicated and made available to law enforcement upon request:

(A) the motor vehicle registration and insurance information;

(B) the user's driver's license;

(C) specific details of the crash, including information as to the possible cause of the crash;

(D) confirmation whether the ADS was engaged prior to and/or at the time of the crash; and

(E) any additional information that may be requested by law enforcement.