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2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-307c. - Municipal use of automated traffic enforcement safety devices. Agreements re design, installation, operation or maintenance. Ordinance. Requirements. Citations. Defenses.

Universal Citation:

CT Gen Stat § 14-307c. (2024) ○

< Previous

Next >

(a) Any municipality may authorize the use of automated traffic enforcement safety devices at locations within school zones, pedestrian safety zones and other places in such municipality, provided (1) the municipality adopts an ordinance in accordance with the provisions of this section, and (2) the locations of such devices are identified in a plan approved by the Department of Transportation pursuant to section 14-307e.

(b) The municipality may enter into agreements with vendors for the design, installation, operation or maintenance, or any combination thereof, of automated traffic enforcement safety devices. If a vendor designs, installs, operates or maintains an automated traffic enforcement safety device, the vendor's fee may not be contingent on the number of citations issued or fines paid pursuant to an ordinance adopted under this section.

(c) Any ordinance adopted under this section shall specify the following: (1) That an automated traffic enforcement safety device shall be operated by an automated traffic enforcement safety device operator; (2) that the owner of a motor vehicle commits a violation of the ordinance if the person operating such motor vehicle (A) exceeds the posted speed limit by ten or more miles per hour and such operation is detected by an automated traffic enforcement safety device, or (B) fails to stop such motor vehicle when facing a steady red signal on a traffic control signal and such failure is detected by an automated traffic enforcement safety device; (3) an automated traffic enforcement safety device shall be used solely for identifying violations of the ordinance; (4) for the first thirty days after a location is equipped with an operational automated traffic enforcement safety device, the owner of a motor vehicle allegedly committing a violation of such ordinance that is detected by such device shall receive a written warning instead of a citation, as described in subsection (i) of this section; (5) payment of a fine and any associated fee imposed for a violation of the ordinance may be made by electronic means; (6) a sworn member or employee of the municipality's police department or an employee of the municipality, as designated by the traffic authority, shall review and approve the recorded images before a citation is mailed to the owner of such motor vehicle; and (7) the defenses available to the owner of a motor vehicle allegedly committing a violation of such ordinance, which shall include, but need not be limited to, the defenses listed in subsection (j) of this section.

(d) Any ordinance adopted under this section may: (1) Establish a fine to be imposed against the owner of a motor vehicle committing a violation of such ordinance, provided the amount of such fine is not more than fifty dollars for a first violation and not more than seventy-five dollars for a second or subsequent violation, and (2) impose a reasonable fee, not to exceed fifteen dollars, for the costs associated with the electronic processing of the payment of any such fine. Any funds received by a municipality from fines imposed pursuant to an ordinance adopted under this section shall be used for the purposes of improving transportation mobility, investing in transportation infrastructure improvements or paying the costs associated with the use of automated traffic enforcement safety devices in the municipality.

(e) Any municipality that adopts an ordinance under this section shall also adopt the following: (1) A citation hearing procedure pursuant to section 7-152c, (2) a comprehensive safety action plan to ensure that the streets located in the municipality safely and conveniently serve road users of all ages and abilities, including pedestrians, transit users, bicyclists, persons using wheelchairs or other assistive devices and motor vehicle operators, and (3) a written policy that meets or exceeds the standards of the model privacy policy and protocol developed pursuant to subsection (a) of section 14-307d. Such municipality shall also be in compliance with any order made by the Office of the State Traffic Administration pursuant to the provisions of this chapter or any regulation adopted pursuant to said chapter by the office regarding a traffic control sign or traffic control signal at a location equipped or proposed to be equipped with an automatic traffic enforcement safety device.

(f) (1) Prior to the operation of an automated traffic enforcement safety device, the municipality shall (A) install at least two conspicuous signs at a reasonable distance in advance of such location, in accordance with the Federal Highway Administration's Manual on Uniform Traffic Control Devices for Streets and Highways, as amended from time to time, notifying motor vehicle operators of such location, and (B) provide notification of such location to persons, firms or corporations that operate a mobile application that is used for navigation purposes or to provide real-time information on motor vehicle traffic. The Department of Transportation shall designate which such persons, firms or corporations shall be notified and provide technical guidance to such municipalities regarding how to provide such notification.

(2) At least thirty days before the date the first automated traffic enforcement safety device becomes operational in the municipality, the municipality shall develop and implement a public awareness campaign to educate the public concerning the importance of obeying speed limits and traffic control signals and the imminent use of automated traffic enforcement safety devices in the municipality at the locations identified in the plan approved by the Department of Transportation pursuant to section 14-307e.

(g) An automated traffic enforcement safety device operator shall complete training offered by the manufacturer of such device or the manufacturer's representative regarding procedures for setting up, testing and operating such device. The manufacturer or manufacturer's representative shall issue a signed certificate to the automated traffic enforcement safety device operator upon such operator's completion of the training. Such signed certificate shall be admitted as evidence in any hearing conducted pursuant to section 7-152c.

(h) The municipality shall ensure each automated traffic enforcement safety device used by such municipality undergoes an annual calibration check performed at a calibration laboratory. The calibration laboratory shall issue a signed certificate of calibration after the annual calibration check. Such signed certificate of calibration shall be kept on file and admitted as evidence in any hearing conducted pursuant to section 7-152c.

(i) (1) Whenever an automated traffic enforcement safety device detects and produces recorded images of a motor vehicle allegedly committing a violation of an ordinance adopted under this section, a sworn member or employee of the municipality's police department or an employee of the municipality designated by the traffic authority shall review the recorded images provided by such device. If, after such review, such member or employee determines that there are reasonable grounds to believe that a violation of the ordinance has occurred, such member or employee may issue a citation to the owner of the motor vehicle. The citation shall include the following: (A) The name and address of the owner of the motor vehicle; (B) the number plate of the motor vehicle; (C) the violation charged; (D) the location of the automated traffic enforcement safety device and the date and time of the violation; (E) a copy of or information on how to view, through electronic means, the recorded images described in this section; (F) a statement or electronically generated affirmation by the member or employee who reviewed the recorded images and determined that the motor vehicle violated the ordinance; (G) verification that the automated traffic enforcement safety device was operating correctly at the time of the alleged violation and the date of the most recent calibration check performed pursuant to subsection (h) of this section; (H) the amount of the fine imposed and how to pay such fine; and (I) the right to contest the violation and request a hearing pursuant to section 7-152c.

(2) In the case of an alleged violation involving a motor vehicle registered in the state, the citation shall be mailed not later than thirty days after the identity of the owner is ascertained to the address of the owner that is in the records of the Department of Motor Vehicles. In the case of an alleged violation involving a motor vehicle registered in another jurisdiction, the citation shall be mailed not later than thirty days after the identity of the owner is ascertained to the address of the owner that is in the records of the official in the other jurisdiction issuing such registration. A citation shall be invalid unless mailed to an owner not later than sixty days after the alleged violation.

(3) The citation shall be sent by first class mail. A manual or automated record of mailing prepared by the municipality's police department shall be prima facie evidence of mailing and shall be admissible in any hearing conducted pursuant to section 7-152c as to the facts contained in the citation.

(j) The following defenses shall be available to the owner of a motor vehicle who is alleged to have committed a violation of such ordinance adopted under this section: (1) The operator was driving an emergency vehicle in accordance with the provisions of subdivision (1) of subsection (b) of section 14-283; (2) the traffic control signal was inoperative, which is observable on the recorded images; (3) the violation was necessary in order for the operator to comply with an order or direction from a law enforcement officer, which is observable on the recorded images; (4) the violation was necessary to allow the passage of an authorized emergency vehicle, which is observable on the recorded images; (5) the violation took place during a period of time in which the motor vehicle had been reported as being stolen to a law enforcement unit, as defined in section 7-294a, and had not been recovered prior to the time of the violation; or (6) the automated traffic enforcement safety device was not in compliance with the calibration check required pursuant to subsection (h) of this section.

(P.A. 23-116, S. 11.)

[◀ Previous](#)

[Next ▶](#)

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