

SB 454 -- Redline

Raised Bill to File No. 552 -- AN ACT CONCERNING PHOTO NOISE VIOLATION MONITORING DEVICES.

Deletions ~~struck~~ · Insertions underlined

Senate General Assembly ~~Raised~~File ~~Bill~~ No.

~~454~~552 February Session, 2024 ~~LCQ~~Substitute Senate Bill No.

~~3476~~454 ~~Referred~~Senate, to April 18, 2024 The Committee on ~~FINANCE~~Finance, REVENUE ~~Revenue~~ AND ~~BONDING~~Bonding ~~Introduced~~reported by through SEN.

~~(FIN)~~FONFARA ~~AN~~of ~~ACT~~the ~~CONCERNING~~1st PHOTO ~~Dist.,~~ NOISE ~~Chairperson~~ VIOLATION ~~of~~ MONITORING ~~the~~ DEVICES. ~~Committee on the part of the Senate, that the substitute bill ought to pass.~~

AN ACT CONCERNING PHOTO NOISE VIOLATION MONITORING DEVICES.

(1) "Photo noise violation monitoring device" means one or more mobile or fixed vehicle sensors that (A) are installed to work in conjunction ~~with one or~~with one or more noise measuring ~~apparatuses, such as~~apparatuses, as a ~~such~~ decibel reader, as a decibel reader, and (B) automatically produce two or more photographs, two or more microphotographs, a videotape or other recorded images of each motor vehicle allegedly operating in violation of an ordinance adopted under section 2 of this act.

~~LCQ~~sSB454 / File No.

~~3476~~552 1 of ~~s~~SB454 ~~18~~File ~~Raised~~No. Bill No. 454 (3) "Personally identifiable information" means information created or maintained by the municipality or a contractor of the municipality that identifies or describes an owner of a motor vehicle and includes, but need not be limited to, the owner's address, telephone number, number plate, photograph, bank account information, credit card number, debit card number or the date, time, location or direction of travel on a highway in such municipality.

~~(4)~~552 "Vendor" (3) "Personally identifiable information" means information created or maintained by the municipality or a person ~~vendor who~~that (A) identifies ~~provides or services~~describes ~~to an~~ owner of a ~~municipality~~motor ~~under~~vehicle ~~section and~~ 2 ~~includes,~~ but need not be limited to, the owner's address, telephone number, number plate, photograph, bank account information, credit card number, debit card number or the date, time, location or direction of ~~this travel act;~~ on a highway in such municipality.

(4) "Vendor" means a person who (A) provides services to a municipality under section 2 of this act pursuant to an agreement;

(5) "Motor ~~vehicle~~"vehicle", "highway" and "number plate" have the same meanings as provided in section 14-1 of the general statutes.

(2) that the owner of a motor vehicle commits a violation of the ordinance if the person operating such motor vehicle on a highway or other location exceeds the maximum decibel level permitted pursuant to section 14-80a of the general statutes and any regulations adopted thereunder;

(4) payment of a fine and any associated processing fee, not to exceed fifteen dollars, may be made by electronic ~~LCQ~~means; No.

~~3476~~(5) ~~2a~~ sworn member of 18a ~~Raised~~law ~~Bill~~enforcement ~~No.~~454 ~~unit means;~~ or a ~~s~~SB454 / File No.

~~(5)~~552 ~~a~~ 2 ~~sworn~~s ~~SB454~~ ~~member~~File of ~~No.~~ ~~a law enforcement unit or a municipal employee shall review and approve the recorded images before a citation is mailed to the owner of such motor vehicle;~~

~~and~~552 ~~(6)~~ municipal ~~the employee defenses shall~~ available ~~review to and~~ approve ~~the owner~~ recorded ~~of images~~ a ~~before~~ motor vehicle ~~allegedly committing a violation~~ citation ~~of is~~ such ~~mailed ordinance, to which shall include, but need not be limited to, the defenses~~ owner ~~listed in subsection (g) of this~~ such ~~section.~~ motor vehicle;

~~Any~~and (6) 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 (g) of this section. Any municipality that adopts an ordinance under this section shall also adopt a citation hearing procedure pursuant to section 7-152c of the general statutes, as amended by this act.

Such signed ~~LCQ~~certificate shall be admitted as evidence in any hearing conducted pursuant to section 7-152c of the general statutes, as amended by this ~~s~~SB454 / File No.

~~3476~~552 3 of ~~s~~SB454 ~~18~~File ~~Raised~~No. Bill No. 454 ~~certificate shall be admitted as evidence in any hearing conducted pursuant to section 7-152c of the general statutes, as amended by this act.~~

552 act.

~~LCQ~~(2) (A) In the case of an alleged violation involving a motor vehicle registered in the state, the citation shall be mailed to the address of the ~~s~~SB454 / File No.

~~3476~~552 4 of ~~s~~SB454 ~~18~~File ~~Raised~~No. Bill No. 454 (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 552 the owner case that of is an alleged violation involving a motor vehicle registered in another the jurisdiction, records of the citation Department shall of be Motor mailed Vehicles not later than thirty days after the identity of the owner is ascertained, provided a citation shall be invalid unless mailed to the address owner of not later than sixty days after the owner date that of is in the records of the official in the other jurisdiction issuing the such alleged registration violation.~~

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

~~or (4) the violation took place because the muffler in the motor vehicle was not in good working condition and the owner of the motor vehicle presents proof at a hearing conducted pursuant to section 7-152c of the general statutes, as amended by this act, that such muffler was replaced or repaired not later than fourteen days from the date of the violation.~~

or (5) the owner of the motor vehicle presents proof at a hearing conducted pursuant to section 7-152c of the general statutes, as amended by this act, that the owner submitted the sSB454 / File No.

552 5 sSB454 File No.

552 motor vehicle for inspection at a facility designated by the Department of Motor Vehicles and such vehicle was found to be in compliance with the maximum decibel level permitted pursuant to section 14-80a of the general statutes and any regulations adopted thereunder.

(NEW) (Effective July 1, 2024) (a) No personally identifiable LCO information No shall be disclosed by the municipality or a vendor to any person or entity, including any law enforcement unit, except where the disclosure is made in connection with the charging, collection and enforcement of the fines imposed pursuant to an ordinance adopted under section 2 of this act.

~~3476 5 of 18 Raised Bill No. 454 information shall be disclosed by the municipality or a vendor to any person or entity, including any law enforcement unit, except where the disclosure is made in connection with the charging, collection and enforcement of the fines imposed pursuant to an ordinance adopted under section 2 of this act.~~

(NEW) (Effective July 1, 2024) Commencing one year from the date a photo noise violation monitoring device is operational in a municipality, and every year thereafter until a photo noise violation monitoring device is no longer operational in the municipality, the municipality shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding.

(3) the number of hearings requested and pursuant to the results section 7-152c, as amended by of this act, and the results of any such hearings;

and (5) the cost to the municipality sSB454 to/ use File such No. devices.

552 6 sSB454 File No.

552 municipality to use such devices.

(c) Any such municipality, at any time within twelve months from LCO the No expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to section 7-148, 14-307c, [or] 22a-226d or section 2 of this act, for an alleged violation thereof, shall send notice to the person cited.

~~3476 6 of 18 Raised Bill No. 454 the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to section 7-148, 14-307c, [or] 22a-226d or section 2 of this act, for an alleged violation thereof, shall send notice to the person cited.~~

Sec. This act shall take effect as follows and shall amend the following sections:

~~6-~~

~~Subdivision (1) of section 12-408 of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2024, and applicable to sales occurring on or after October 1, 2024):~~

~~(1) (A) For the privilege of making any sales, as defined in subdivision (2) of subsection (a) of section 12-407, at retail, in this state for a consideration, a tax is hereby imposed on all retailers at the rate of six and thirty-five hundredths per cent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail or from the rendering of any services constituting a sale in accordance with subdivision (2) of subsection (a) of section 12-407, except, in lieu of said rate, the rates provided in subparagraphs (B) to [(I)] (J), inclusive, of this subdivision;~~

~~(B) (i) At a rate of fifteen per cent with respect to each transfer of occupancy, from the total amount of rent received by a hotel or lodging LCO No.~~

~~3476 7 of 18 Raised Bill No. 454 house for the first period not exceeding thirty consecutive calendar days;~~

~~(ii) At a rate of eleven per cent with respect to each transfer of occupancy, from the total amount of rent received by a bed and breakfast establishment for the first period not exceeding thirty consecutive calendar days;~~

~~(C) With respect to the sale of a motor vehicle to any individual who is a member of the armed forces of the United States and is on full-time active duty in Connecticut and who is considered, under 50 App USC 574, a resident of another state, or to any such individual and the spouse thereof, at a rate of four and one-half per cent of the gross receipts of any retailer from such sales, provided such retailer requires and maintains a declaration by such individual, prescribed as to form by the commissioner and bearing notice to the effect that false statements made in such declaration are punishable, or other evidence, satisfactory to the commissioner, concerning the purchaser's state of residence under 50 App USC 574;~~

~~(D) (i) With respect to the sales of computer and data processing services occurring on or after July 1, 2001, at the rate of one per cent, and (ii) with respect to sales of Internet access services, on and after July 1, 2001, such services shall be exempt from such tax;~~

~~(E)(i) With respect to the sales of labor that is otherwise taxable under subparagraph (C) or (G) of subdivision (2) of subsection (a) of section 12-407 on existing vessels and repair or maintenance services on vessels occurring on and after July 1, 1999, such services shall be exempt from such tax;~~

~~(ii) With respect to the sale of a vessel, a motor for a vessel or a trailer used for transporting a vessel, at the rate of two and ninety-nine hundredths per cent, except that the sale of a vessel shall be exempt from such tax if such vessel is docked in this state for sixty or fewer days in a calendar year;~~

~~LCO No.~~

~~3476 8 of 18 Raised Bill No.454 (iii) With respect to the sale of dyed diesel fuel, as defined in subsection (d) of section 12-487, sold by a marine fuel dock exclusively for marine purposes, at the rate of two and ninety-nine hundredths per cent;~~

~~(F) With respect to patient care services for which payment is received by the hospital on or after July 1, 1999, and prior to July 1, 2001, at the rate of five and three-fourths per cent and on and after July 1, 2001, such services shall be exempt from such tax;~~

~~(G) With respect to the rental or leasing of a passenger motor vehicle for a period of thirty consecutive calendar days or less, at a rate of nine and thirty-five hundredths per cent;~~

~~(H) With respect to the sale of (i) a motor vehicle for a sales price exceeding fifty thousand dollars, at a rate of seven and three-fourths per cent on the entire sales price, (ii) jewelry, whether real or imitation, for a sales price exceeding five thousand dollars, at a rate of seven and three-fourths per cent on the entire sales price, and (iii) an article of clothing or footwear intended to be worn on or about the human body, a handbag, luggage, umbrella, wallet or watch for a sales price exceeding one thousand dollars, at a rate of seven and three-fourths per cent on the entire sales price.~~

~~For purposes of this subparagraph, "motor vehicle" has the meaning provided in section 14-1, but does not include a motor vehicle subject to the provisions of subparagraph (C) of this subdivision, a motor vehicle having a gross vehicle weight rating over twelve thousand five hundred pounds, or a motor vehicle having a gross vehicle weight rating of twelve thousand five hundred pounds or less that is not used for private passenger purposes, but is designed or used to transport merchandise, freight or persons in connection with any business enterprise and issued a commercial registration or more specific type of registration by the Department of Motor Vehicles;~~

~~(I) With respect to the sale of meals, as defined in subdivision (13) of section 12-412, sold by an eating establishment, caterer or grocery store;~~

~~and spirituous, malt or vinous liquors, soft drinks, sodas or beverages LCO No.~~

~~3476 9 of 18 Raised Bill No.454 such as are ordinarily dispensed at bars and soda fountains, or in connection therewith;~~

~~in addition to the tax imposed under subparagraph (A) of this subdivision, at the rate of one per cent;~~

~~(J) (i) With respect to the sale of a replacement or an aftermarket muffler that would cause a motor vehicle to exceed the maximum decibel level permitted pursuant to section 14-80a and any regulations adopted thereunder, at the rate of thirty per cent;~~

~~(ii) With respect to the acceptance or receipt in this state of motor vehicle repair services related to the installation of a replacement or an aftermarket motor vehicle muffler or any other instrument or device if such muffler, instrument or device would cause a motor vehicle to exceed the maximum decibel level permitted pursuant to section 14-80a and any regulations adopted thereunder, at the rate of thirty per cent;~~

~~[(J)] (K) The rate of tax imposed by this chapter shall be applicable to all retail sales upon the effective date of such rate, except that a new rate that represents an increase in the rate applicable to the sale shall not apply to any sales transaction wherein a binding sales contract without an escalator clause has been entered into prior to the effective date of the new rate and delivery is made within ninety days after the effective date of the new rate.~~

~~For the purposes of payment of the tax imposed under this section, any retailer of services taxable~~

~~under subdivision (37) of subsection (a) of section 12-407, who computes taxable income, for purposes of taxation under the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, on an accounting basis that recognizes only cash or other valuable consideration actually received as income and who is liable for such tax only due to the rendering of such services may make payments related to such tax for the period during which such income is received, without penalty or interest, without regard to when such service is rendered;~~

~~[(K)] (L) (i) For calendar quarters ending on or after September 30, 2010, the commissioner shall deposit into the regional planning LCO No.~~

~~3476 10 of 18 Raised Bill No.454 incentive account, established pursuant to section 4-66k, six and seven-tenths per cent of the amounts received by the state from the tax imposed under subparagraph (B) of this subdivision and ten and seven-tenths per cent of the amounts received by the state from the tax imposed under subparagraph (C) of this subdivision;~~

~~(ii) For calendar quarters ending on or after September 30, 2018, the commissioner shall deposit into the Tourism Fund established under section 10-395b ten per cent of the amounts received by the state from the tax imposed under subparagraph (B) of this subdivision;~~

~~[(L)] (M) (i) For calendar months commencing on or after July 1, 2021, but prior to July 1, 2023, the commissioner shall deposit into the municipal revenue sharing account established pursuant to section 4-66l seven and nine-tenths per cent of the amounts received by the state from the tax imposed under subparagraph (A) of this subdivision, including such amounts received on or after July 1, 2023, attributable to the fiscal year ending June 30, 2023;~~

~~and (ii) For calendar months commencing on or after July 1, 2023, the commissioner shall deposit into the Municipal Revenue Sharing Fund established pursuant to section 4-66p seven and nine-tenths per cent of the amounts received by the state from the tax imposed under subparagraph (A) of this subdivision;~~

~~and [(M)](N)(i) For calendar months commencing on or after July 1, 2017, the commissioner shall deposit into the Special Transportation Fund established under section 13b-68 seven and nine-tenths per cent of the amounts received by the state from the tax imposed under subparagraph (A) of this subdivision;~~

~~(ii) For calendar months commencing on or after July 1, 2018, but prior to July 1, 2019, the commissioner shall deposit into the Special Transportation Fund established under section 13b-68 eight per cent of the amounts received by the state from the tax imposed under subparagraphs (A) and (H) of this subdivision on the sale of a motor vehicle;~~

~~LCO No.~~

~~3476 11 of 18 Raised Bill No.454 (iii) For calendar months commencing on or after July 1, 2019, but prior to July 1, 2020, the commissioner shall deposit into the Special Transportation Fund established under section 13b-68 seventeen per cent of the amounts received by the state from the tax imposed under subparagraphs (A) and (H) of this subdivision on the sale of a motor vehicle;~~

~~(iv) For calendar months commencing on or after July 1, 2020, but prior to July 1, 2021, the commissioner shall deposit into the Special Transportation Fund established under section 13b-68 twenty-five per cent of the amounts received by the state from the tax imposed under subparagraphs (A) and (H) of this subdivision on the sale of a motor vehicle;~~

~~(v) For calendar months commencing on or after July 1, 2021, but prior to July 1, 2022, the commissioner shall deposit into the Special Transportation Fund established under section 13b-68 seventy-five per cent of the amounts received by the state from the tax imposed under subparagraphs (A) and (H) of this subdivision on the sale of a motor vehicle;~~

~~and (vi) For calendar months commencing on or after July 1, 2022, the commissioner shall deposit into the Special Transportation Fund established under section 13b-68 one hundred per cent of the amounts received by the state from the tax imposed under subparagraphs (A) and (H) of this subdivision on the sale of a motor vehicle.~~

~~Sec.~~

~~7.~~

~~Subdivision (1) of section 12-411 of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2024, and applicable to sales occurring on or after October 1, 2024):~~

~~(1) (A) An excise tax is hereby imposed on the storage, acceptance, consumption or any other use in this state of tangible personal property purchased from any retailer for storage, acceptance, consumption or any other use in this state, the acceptance or receipt of any services constituting a sale in accordance with subdivision (2) of subsection (a) LCO No.~~

~~3476 12 of 18 Raised Bill No.454 of section 12-407, purchased from any retailer for consumption or use in this state, or the storage, acceptance, consumption or any other use in this state of tangible personal property which has been manufactured, fabricated, assembled or processed from materials by a person, either within or without this state, for storage, acceptance, consumption or any other use by such person in this state, to be measured by the sales price of materials, at the rate of six and thirty-five-hundredths per cent of the sales price of such property or services, except, in lieu of said rate:~~

~~(B) (i) At a rate of fifteen per cent of the rent paid to a hotel or lodging house for the first period not exceeding thirty consecutive calendar days;~~
~~(ii) At a rate of eleven per cent of the rent paid to a bed and breakfast establishment for the first period not exceeding thirty consecutive calendar days;~~
~~(C) With respect to the storage, acceptance, consumption or use in this state of a motor vehicle purchased from any retailer for storage, acceptance, consumption or use in this state by any individual who is a member of the armed forces of the United States and is on full-time active duty in Connecticut and who is considered, under 50 App USC 574, a resident of another state, or to any such individual and the spouse of such individual at a rate of four and one-half per cent of the sales price of such vehicle, provided such retailer requires and maintains a declaration by such individual, prescribed as to form by the commissioner and bearing notice to the effect that false statements made in such declaration are punishable, or other evidence, satisfactory to the commissioner, concerning the purchaser's state of residence under 50 App USC 574;~~
~~(D) (i) With respect to the acceptance or receipt in this state of labor that is otherwise taxable under subparagraph (C) or (G) of subdivision (2) of subsection (a) of section 12-407 on existing vessels and repair or maintenance services on vessels occurring on and after July 1, 1999, such services shall be exempt from such tax;~~
~~LCO No.~~
~~3476 13 of 18 Raised Bill No.~~
~~454 (i) (I) With respect to the storage, acceptance or other use of a vessel in this state, at the rate of two and ninety-nine hundredths per cent, except that such storage, acceptance or other use shall be exempt from such tax if such vessel is docked in this state for sixty or fewer days in a calendar year;~~
~~(II) With respect to the storage, acceptance or other use of a motor for a vessel or a trailer used for transporting a vessel in this state, at the rate of two and ninety-nine hundredths per cent;~~
~~(III) With respect to the storage, acceptance or other use of dyed diesel fuel, as defined in subsection (d) of section 12-487, exclusively for marine purposes, at the rate of two and ninety-nine hundredths per cent;~~
~~(E) (i) With respect to the acceptance or receipt in this state of computer and data processing services purchased from any retailer for consumption or use in this state occurring on or after July 1, 2001, at the rate of one per cent of such services, and (ii) with respect to the acceptance or receipt in this state of Internet access services, on and after July 1, 2001, such services shall be exempt from such tax;~~
~~(F) With respect to the acceptance or receipt in this state of patient care services purchased from any retailer for consumption or use in this state for which payment is received by the hospital on or after July 1, 1999, and prior to July 1, 2001, at the rate of five and three-fourths per cent and on and after July 1, 2001, such services shall be exempt from such tax;~~
~~(G) With respect to the rental or leasing of a passenger motor vehicle for a period of thirty consecutive calendar days or less, at a rate of nine and thirty-five hundredths per cent;~~
~~(H) With respect to the acceptance or receipt in this state of (i) a motor vehicle for a sales price exceeding fifty thousand dollars, at a rate of seven and three-fourths per cent on the entire sales price, (ii) jewelry, whether real or imitation, for a sales price exceeding five thousand~~
~~LCO No.~~
~~3476 14 of 18 Raised Bill No. 454 dollars, at a rate of seven and three-fourths per cent on the entire sales price, and (iii) an article of clothing or footwear intended to be worn on or about the human body, a handbag, luggage, umbrella, wallet or watch for a sales price exceeding one thousand dollars, at a rate of seven and three-fourths per cent on the entire sales price.~~
~~For purposes of this subparagraph, "motor vehicle" has the meaning provided in section 14-1, but does not include a motor vehicle subject to the provisions of subparagraph (C) of this subdivision, a motor vehicle having a gross vehicle weight rating over twelve thousand five hundred pounds, or a motor vehicle having a gross vehicle weight rating of twelve thousand five hundred pounds or less that is not used for private passenger purposes, but is designed or used to transport merchandise, freight or persons in connection with any business enterprise and issued a commercial registration or more specific type of registration by the Department of Motor Vehicles;~~
~~(I) With respect to the acceptance or receipt in this state of meals, as defined in subdivision (13) of section 12-412, sold by an eating establishment, caterer or grocery store;~~
~~and spirituous, malt or vinous liquors, soft drinks, sodas or beverages such as are ordinarily dispensed at bars and soda fountains, or in connection therewith;~~
~~in addition to the tax imposed under subparagraph (A) of this subdivision, at the rate of one per cent;~~
~~(J) (i) With respect to the storage, acceptance, consumption or use in this state of a replacement or an aftermarket muffler that would cause a motor vehicle to exceed the maximum decibel level permitted pursuant to section 14-80a and any regulations adopted thereunder, at the rate of thirty per cent;~~
~~(ii) With respect to the acceptance or receipt in this state of motor vehicle repair services related to the installation of a replacement or an aftermarket motor vehicle muffler or any other instrument or device if such muffler, instrument or device would cause a motor vehicle to exceed the maximum decibel~~

~~level permitted pursuant to section 14-80a and any regulations adopted thereunder, at the rate of thirty per cent;~~

~~LCO No.~~

~~3476 15 of 18 Raised Bill No. 454 [(J)] (K) (i) For calendar quarters ending on or after September 30, 2019, the commissioner shall deposit into the regional planning incentive account, established pursuant to section 4-66k, six and seven-tenths per cent of the amounts received by the state from the tax imposed under subparagraph (B) of this subdivision and ten and seven-tenths per cent of the amounts received by the state from the tax imposed under subparagraph (C) of this subdivision;~~
~~(ii) For calendar quarters ending on or after September 30, 2018, the commissioner shall deposit into the Tourism Fund established under section 10-305b ten per cent of the amounts received by the state from the tax imposed under subparagraph (B) of this subdivision;~~
~~[(K)] (L) (i) For calendar months commencing on or after July 1, 2021, but prior to July 1, 2023, the commissioner shall deposit into the municipal revenue sharing account established pursuant to section 4-66l seven and nine-tenths per cent of the amounts received by the state from the tax imposed under subparagraph (A) of this subdivision, including such amounts received on or after July 1, 2023, attributable to the fiscal year ending June 30, 2023;~~

~~and (ii) For calendar months commencing on or after July 1, 2023, the commissioner shall deposit into the Municipal Revenue Sharing Fund established pursuant to section 4-66p seven and nine-tenths per cent of the amounts received by the state from the tax imposed under subparagraph (A) of this subdivision;~~

~~and [(L)] (M) (i) For calendar months commencing on or after July 1, 2017, the commissioner shall deposit into said Special Transportation Fund seven and nine-tenths per cent of the amounts received by the state from the tax imposed under subparagraph (A) of this subdivision;~~

~~(ii) For calendar months commencing on or after July 1, 2018, but prior to July 1, 2019, the commissioner shall deposit into the Special Transportation Fund established under section 13b-68 eight per cent of the amounts received by the state from the tax imposed under subparagraphs (A) and (H) of this subdivision on the acceptance or~~ LCO No.

~~3476 16 of 18 Raised Bill No.~~

~~454 receipt in this state of a motor vehicle;~~

~~(iii) For calendar months commencing on or after July 1, 2019, but prior to July 1, 2020, the commissioner shall deposit into the Special Transportation Fund established under section 13b-68 seventeen per cent of the amounts received by the state from the tax imposed under subparagraphs (A) and (H) of this subdivision on the acceptance or receipt in this state of a motor vehicle;~~

~~(iv) For calendar months commencing on or after July 1, 2020, but prior to July 1, 2021, the commissioner shall deposit into the Special Transportation Fund established under section 13b-68 twenty-five per cent of the amounts received by the state from the tax imposed under subparagraphs (A) and (H) of this subdivision on the acceptance or receipt in this state of a motor vehicle;~~

~~(v) For calendar months commencing on or after July 1, 2021, but prior to July 1, 2022, the commissioner shall deposit into the Special Transportation Fund established under section 13b-68 seventy-five per cent of the amounts received by the state from the tax imposed under subparagraphs (A) and (H) of this subdivision on the acceptance or receipt in this state of a motor vehicle;~~

~~and (vi) For calendar months commencing on or after July 1, 2022, the commissioner shall deposit into the Special Transportation Fund established under section 13b-68 one hundred per cent of the amounts received by the state from the tax imposed under subparagraphs (A) and (H) of this subdivision on the acceptance or receipt in this state of a motor vehicle.~~

~~Sec.~~

~~8.~~

~~Section 4-66o of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2024):~~

~~The Secretary of the Office of Policy and Management may establish receivables for the revenue anticipated pursuant to subparagraph [(K)] (L) of subdivision (1) of section 12-408, as amended by this act, and section 4-66l.~~

~~LCO No.~~

~~3476 17 of 18 Raised Bill No.~~

~~454 This act shall take effect as follows and shall amend the following sections:~~

~~5 July 1, 2024 7-152c(c) Sec. Statement of Legislative Commissioners:~~

~~6 In October Section 1-1(1), 2024, subparagraph and designators 12-408(1) were applicable added to for sales clarity; occurring on or after October 1, 2024 Sec.~~

~~7 In October Section 1-1(3), 2024, "contractor and of 12-411(1) the applicable municipality" to was sales changed occurring to on "vendor" or SSB454 after/ October File 1, No. 2024 Sec.~~

~~8 552 October 7 1, SSB454 2024 File 4-66o No. Statement of Purpose:~~

~~To 552 permit a municipality to use photo noise violation monitoring devices and establish a higher rate~~

~~of sales and use taxes for certain consistency; motor vehicle mufflers, instruments or devices that exceed the maximum allowable decibel level.~~

~~[Proposed in deletions Section are 1(4)(A), enclosed "pursuant into brackets, an agreement" was added for clarity;~~

~~Proposed in additions Section are 1(5), indicated "highway" by was underline, added except for that clarity; when the entire text of a bill or resolution or a section of a bill or resolution is now, it is not underlined.] LCO No.~~

~~3476 in 18 Section of 2(a)(2), 18 "on a highway or other location" was added for clarity;~~

~~Section 2(f)(2) was rewritten for clarity and consistency;~~

~~and in Section 4, "device" was added for consistency and "pursuant to section 7-152c, as amended by this act," was added for clarity.~~

~~FIN Joint Favorable Subst.~~

~~sSB454 / File No.~~

~~552 8 sSB454 File No.~~

~~552 The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose.~~

~~In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge.~~

~~Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.~~

~~OFA Fiscal Note State Impact:~~

~~Agency Affected Fund-Effect FY 25 \$ FY 26 \$ Department of Motor Vehicles TF - Potential See Below See Below Cost Note:~~

~~TF=Transportation Fund Municipal Impact:~~

~~Municipalities Effect FY 25 \$ FY 26 \$ All Municipalities Potential See Below See Below Cost All Municipalities Potential See Below See Below Revenue Gain Explanation The bill results in (1) a potential cost to the Department of Motor Vehicles (DMV) and municipalities and (2) a potential revenue gain to municipalities beginning in FY 25 associated with the use of noise violation monitoring devices described below.~~

~~The bill allows municipalities to establish an ordinance to authorize the use of noise cameras to determine violations for exceeding the state- established vehicle noise limits and requires that violations of the ordinance result in fines for second and subsequent violations.~~

~~This results in a potential cost and potential revenue gain to municipalities beginning in FY 25.~~

~~Any fiscal impact to municipalities is dependent on if they establish this ordinance.~~

~~There is a potential cost to municipalities associated with sSB454 / File No.~~

~~552 9 sSB454 File No.~~

~~552 the purchase and use of noise cameras or for entering into an agreement with a vendor that provides noise camera services.~~

~~There is also a potential cost to municipalities for (1) a hearing procedure that is required for citations issued and (2) sending citations by first class mail as required in the bill.~~

~~There is also a potential revenue gain associated with a \$100 fine for a second violation, a \$250 fine for subsequent violations, and a \$15 processing fee.~~

~~The bill allows municipalities to use any revenue from these fines to pay for costs associated with the use of noise cameras.~~

~~This may partially offset any cost to municipalities.~~

~~The bill makes presenting proof of passing a noise inspection at a DMV designated facility an available defense to alleged violations.~~

~~It results in a potential cost to DMV to the extent it increases the number of required noise level inspections.~~

~~The potential cost depends on the magnitude of the increase and operational decisions to be made by DMV if increased capacity is required.~~

~~If the increase is minimal then no additional costs are expected.~~

~~Currently, these tests are conducted on a limited basis at a single location (less than 50 per year conducted at the Wethersfield branch).~~

~~DMV is also undertaking a pilot program to establish noise level tests at five emissions stations across the state, which is expected to be completed by October 2024.~~

~~The results of this pilot will inform operational decisions and potential costs for additional noise inspections, as may be necessitated by the bill.~~

The Out Years The annualized ongoing fiscal impact identified above would continue into the future subject to the number of fines and noise inspections.

SSB454 / File No.

552 10 SSB454 File No.

552 OLR Bill Analysis SSB 454 AN ACT CONCERNING PHOTO NOISE VIOLATION MONITORING DEVICES.

SUMMARY This bill allows municipalities to authorize the use of noise cameras (which the bill calls "photo noise violation monitoring devices").

To do so, a municipality must adopt an ordinance that establishes a municipal violation for exceeding state-established vehicle noise limits (see BACKGROUND), authorizes using cameras to enforce the ordinance, and meets the bill's other specified requirements.

Under the bill, a "photo noise violation monitoring device" is one or more mobile or fixed sensors that (1) are installed to work together with noise measuring equipment (e.g., adecibelreader)and(2)automatically produce video, two or more photos or microphotos, or other recorded images of a vehicle that is violating an ordinance adopted under the bill.

Municipalities operating noise cameras under the bill must issue a written warning for a first violation, a \$100 fine for a second violation, and a \$250 fine for subsequent violations.

They must also adhere to the bill's provisions on camera operation, image review and citation issuance, hearings and available defenses, privacy, and data retention.

The bill allows municipalities to enter into agreements with vendors to install, operate, andmaintain noise cameras, but the vendor's feemay not depend on the number of citations issued or fines paid.

A "vendor" is someone who (1) provides camera-related services under an agreement with the municipality; (2) operates, maintains, leases, or licenses noise cameras;

or (3)reviewsandassemblesimagesthecameras record and forwards them to the municipality.

The bill specifies SSB454 / File No.

552 11 SSB454 File No.

552 municipalities may use revenue from noise camera ordinance fines to pay for their costs to use the cameras.

Lastly, the bill requires municipalities operating noise cameras to annually report certain information to the Finance, Revenue and Bonding Committee.

EFFECTIVE DATE:

July 1, 2024 ORDINANCE REQUIREMENTS AND OTHER CONDITIONS Before operating noise cameras, the bill requires municipalities to adopt (1) an ordinance authorizing their use and making it a municipal violation for vehicles to exceed the noise limit and (2) a citation hearing procedure meeting requirements in existing law.

Specifically, the ordinance must:

1.

require noise cameras to be operated by a person trained and certified to do so (i.e., a "photo noise violation monitoring device operator");

2.

specify that a motor vehicle's owner violates the ordinance if the vehicle exceeds the noise limit;

3.

subject vehicle owners to a written warning for a first violation, \$100fineforasecondviolation,and\$250finefor eachsubsequent violation;

4.

allow for electronic payment of fines and any processing fees (which are capped at \$15);

5.

require a sworn member of law enforcement or a municipal employee to review and approve the images before a citation is mailed to a vehicle owner;

and 6.

specify the defenses available to the vehicle owner, which must at least include those outlined in the bill (see below).

The bill also requires municipalities operating noise cameras to SSB454 / File No.

552 12 SSB454 File No.

552 randomize the devices' locations throughout the municipality.

Citation Hearing Procedure Existing law allows municipalities to establish, by ordinance, a hearing procedure for citations they issue and to authorize the Superior Court to enforce fines and judgements imposed through the citation hearing procedure.

The bill requires municipalities issuing citations

underanoisecameraordinancetoalsohavethishearingprocedure,and subjectsthesecitations to thesame

requirements as other citations heard under this procedure.

Among other things, the law generally requires (1) the municipal chief executive officer to appoint citation hearing officers, (2) municipalities to inform the person to whom a citation was issued about his or her right to contest the citation at a hearing, (3) the issuing police officer or official to attend the hearing if the violator requests it, and (4) the hearing officer to conduct the hearing in the manner and with methods of proof he or she deems fair and appropriate.

The law also allows people found liable for a penalty through the citation hearing procedure to appeal to the Superior Court.

CAMERA CALIBRATION AND OPERATOR TRAINING The bill requires noise camera operators to complete training from the camera's manufacturer, or the manufacturer's representative, on the camera's operation.

The manufacturer or its representative must issue the operator a signed certificate of completion, which must be admitted as evidence in any municipal citation hearing.

The bill also requires municipalities to make sure that cameras they use have an annual calibration check performed at a calibration laboratory.

After the check, the laboratory must issue a signed certificate of calibration, which must be kept on file and admitted as evidence in any municipal citation hearing.

IMAGE REVIEW AND TICKET ISSUANCE Under the bill, when a noise camera detects and produces images of sSB454 / File No.

552 13 sSB454 File No.

552 a vehicle allegedly violating the ordinance adopted under the bill, a sworn member of law enforcement or a municipal employee must review the images.

If this official determines there are reasonable grounds to believe a violation of the ordinance occurred, he or she may issue a citation to the vehicle owner.

The citation must include the following:

1.

the motor vehicle owner's name and address, 2.

the vehicle's license plate, 3.

the violation charged, 4.

the camera location and the date and time of the violation, 5.

a copy of the recorded images or information on how to view them electronically, 6.

a statement or electronically generated affirmation by the official who reviewed the images and determined that the vehicle violated the ordinance, 7.

the date of the most recent calibration check and verification that the camera was operating correctly during the alleged violation, 8.

the fine amount and how to pay it, and 9.

the right to contest the violation and request a hearing.

The bill requires citations to be sent by first class mail (1) within 30 days after determining the vehicle owner's identity and (2) to the address on file with the Department of Motor Vehicles (DMV) or, for vehicles registered out-of-state, the issuing jurisdiction.

However, the act makes citations invalid if they are mailed more than 60 days after an alleged violation.

Manual or automatic mailing records prepared by the municipality's police department are prima facie evidence of mailing and are admissible in any municipal hearing as to facts the citation sSB454 / File No.

552 14 sSB454 File No.

552 contains.

AVAILABLE DEFENSES The bill makes the following defenses available to vehicle owners alleged to have violated an ordinance adopted under the bill:

1.

the driver was operating an emergency vehicle and using a permissible audible warning signal (e.g., siren);

2.

the violation happened when the vehicle had been reported as stolen and had not yet been recovered;

3.

the camera did not have a calibration check as the act requires;

4.

the violation happened because the muffler was not working properly, and the owner presents proof at a hearing that the muffler was replaced or repaired within 14 days after the violation;

and 5.

the vehicle owner presents proof at a hearing that the vehicle was inspected at a DMV-designated facility and found in compliance with the noise limits.

PRIVACY AND DATA RETENTION Under the bill, cameras must be installed, to the extent possible, so that they only record license plates' images and do not capture images of vehicle occupants or anyone else in the vicinity.

The bill generally prohibits municipalities and vendors from storing or retaining personally identifiable information or from disclosing it to any person or entity, including any law enforcement unit.

But they may do so if the storage, retention, or disclosure is done to charge, collect, and enforce fines imposed under an ordinance.

The act also specifies that any information and other data the camera gathers is subject to disclosure under the Freedom of Information Act, except for personally identifiable information.

sSB454 / File No.

552 15 sSB454 File No.

552 Under the bill, "personally identifiable information" is information a municipality or vendor creates or maintains that identifies or describes a vehicle owner and includes the owner's address;

phone number;

license plate;

photo;

bank account information;

credit card or debit card number;

and the date, time, location, or direction of travel on a highway.

ANNUAL REPORT The bill requires municipalities operating noise cameras to annually report the following information to the Finance, Revenue and Bonding Committee, beginning one year after a noise camera starts operating in a municipality and until it is no longer operational:

1.

the total number of violations detected by each camera on a daily, weekly, and monthly basis;

2.

the total number of warnings and citations issued for violations recorded by the devices;

3.

the number of hearings requested and their results;

4.

the amount of fines and processing fees the municipality retained;

and 5.

the municipality's costs for the cameras.

BACKGROUND Noise Limits for Motor Vehicles Existing law prohibits drivers from driving a vehicle that exceeds established noise limits and vehicle owners from allowing their vehicles to be driven when they exceed the limit (CGS Sec. 14-80a).

DMV sets state noise limits in regulations.

Currently, the maximum permissible noise level varies based on the vehicle type;

its age, weight, and current speed;

and the road surface on which it travels.

For vehicles manufactured on or after January 1, 1979, it ranges from 72 dB to 92 dB.

The table below shows the maximum levels for (1) vehicles with a gross vehicle weight rating (GVWR) of less than 10,000 pounds, which sSB454 / File No.

552 16 sSB454 File No.

552 includes most passenger motor vehicles, and (2) motorcycles.

Other types of vehicles have different limits (Conn.

Agencies Regs., Sec. 14-80a- 4a).

Existing law requires DMV to update the limits to reflect industry standards and technological advancements and submit them to the Regulations Review Committee by October 1, 2024.

Table:

Maximum Noise for Motor Vehicles With a GVWR of Less Than 10,000 Pounds and Motorcycles (Manufactured After 01/01/1979) Highway Operation Stationary Soft Site Hard Site Soft Site Hard Site Highway Speed 35 MPH Above 35 35 MPH Above 35 or Less MPH or Less MPH Motor Vehicles With a GVWR of Less Than 72 dB (A) 79 dB (A) 74 dB (A) 81 dB (A) 72 dB (A) 74 dB (A) 10,000 Pounds Motorcycles 78 dB (A) 82 dB (A) 80 dB (A) 84 dB (A) 78 dB (A) 80 dB (A) COMMITTEE ACTION Finance, Revenue and Bonding Committee Joint Favorable Substitute Yea 39 Nay 12 (04/03/2024) sSB454 / File No.

Generated by One Click Politics — a computer-generated comparison, not an authoritative print.