

Legislative History for Connecticut Act

HB 8330	PA 75-577	1975
Judiciary	618-622, 639-641	9
House	4662-4682, 6754-6764	32
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JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 2
462 - 805

1975

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JUDICIARY COMMITTEE

3-26-75
10 a.m.

PRESIDING: Rep. James T. Healey, Chairman

IN ATTENDANCE:

REPRESENTATIVES: Tulisano, Clark, Bordiere, Quinn, Leeney,
Abate, Mannion

SENATORS: Barry, Guidera, Rome

REP. HEALEY: Peter Costas

MR. COSTAS: Mr. Chairman, I'm Peter Costas, the Chairman of an advisory committee that was created last November in accordance with a statute passed last year to look into the possibilities of decriminalizing and moving into a more administrative type procedure, most motor vehicle matters and some of the petty misdemeanors. Pursuant to the instructions from this committee, this advisory committee has met a number of times. It has included representatives of the motor vehicle department, the judicial department, the corrections department, state police department, representatives of the Conn. Police Chiefs Association, Chiefs of Police Association, citizens who were generally familiar with administrative processing and movement of large volumes of different types of subject matter through commercial organizations and we have as a result evolved a concept for treating most motor vehicle matters and some of the minor misdemeanors as infractions. These would not be criminal matters and they would in the first instance be treated administratively through payment of fines directly to the Judicial Department and only if the person elected to plead not guilty, would the matter then appear on a traditional court docket.

The bill which is before you, raised Committee Bill No. 8330 substantially represents the consensus of this advisory committee. We have met since the preparation of the bill and do find several items which will require handling them in committee, I believe, in order to avoid problems. No. 1, the committee does wish to indicate that at the present time, it would recommend the deletions of Sections 3, 4 and 5 because the Conn. Police Chiefs have expressed serious concern that we should not presently move into the area of disorderly conduct and breach of the peace offenses which are offenses traditionally used by the police departments to effect necessary restraint or movement of individuals from areas where problems are then occurring. The effort had been by the Advisory Committee to select certain subsections of the breach of the peace and disorderly conduct offenses which were less likely to be used as a means of

effecting such restraint but there has been presented since that time, good arguments as to why we should not proceed in this area at this time and look at this matter in greater detail over the next few months. Therefore, we would recommend the deletion of sections 3, 4 and 5 of the act as written. We would suggest some other minor amendments, one of which we would point out 51-266 must be amended so as to raise the constitutional limit or the statutory limit where jury trial is required from \$50 to \$100 and we would suggest that there be a change made to 542c so as to make clear that a person should not be coming to court to plead guilty. The procedure contemplated by this act is that he will file a mail notice or a written notice indicating the election to plead not guilty. If he wishes to pay the fine, then he do so to the Violations Bureau, either by mail or in person to one of the clerks and the court time should not be taken by someone who merely wants to come in and pay his fine as the case may be.

There are some other minor changes which we will bring to the attention of the committee later on. One point we'd like to make is that we do think it will be necessary to provide for bond to be posted by persons who are out-of-state residents and who reside in those states which do not have reciprocity provisions in motor vehicle area with the State of Connecticut. Basically, that would be the New England States plus New Jersey, I believe, New York and New Jersey. Thank you, Mr. Chairman.

REP. HEALEY: Commissioner Pac. Edward Carroll. I don't see Judge Burns. Captain Seamen. Marlene Isler.

MS. ISLER: Mr. Chairman, I'm Marlene Isler, the Executive Director of the Conn. Citizens for Traditional Modernization. We're a group concerned with the administration of justice in Connecticut. The result of our survey of court activities in 1973 and an inspection of the Justice Department figures, it was discovered that there were over 144,000 motor vehicle cases and 80,000 criminal cases handled in our court in a year. Because the largest block of these cases appeared to be relatively minor in significance and the accused usually pleaded guilty and were merely fined, we chose this as a topic for our Fifth Citizens Conference this past November. The topic was specifically stated as finding an alternate method of handling motor vehicle cases and Class C misdemeanors. The conferees, over 200 of them, agreed that this ought to be investigated. As a result, the Advisory Committee was formed. Because Raised Committee Bill 8330 is essentially in agreement with what the consensus report of the conferees stated, we urge that you give it a favorable report pending the recommendation by Mr. Costas and the Advisory Committee.

REP. HEALEY: Thank you very much. John Mulcahy.

MR. MULCAHY: Mr. Chairman, my name is John F Mulcahy, Jr. I

appear on behalf of the Chief's State Attorney's office to testify in support of Raised Committee Bill 8330, an act establishing infractions of the law. With another prosecutor from the Court of Common Pleas, I serve on the Advisory Committee which was responsible, to a great extent, for setting forth the substance of this act or this bill. On that committee were Public Defenders and Judges of the Court of Common Pleas and representatives of local police departments. We, the Chief State Attorney's Office, support this bill and would ask that it receive favorable treatment by this committee. However, there are certain parts of the bill which I think deserve a degree of comment and perhaps the committee should consider some modification thereof.

First of all, with reference to the breach of peace and the disorderly provisions, starting on page 2, specifically Sections 3, sections 4, subdivisions following thereof. At the last meeting of the Advisory Committee, the police representatives brought certain facts to our attention. They felt that this was not the time in which - to treat these types of offenders as infractions. Much of what they said was certainly ver persuasive and very convincing and it was the unanimous vote of the Advisory Committee that those particular criminals, the fact is they are not being afforded infractions treatment at this time. Therefore, I certainly would urge that those sections of the Raised Committee Bill be excised and deleted.

With reference to line 32 through 34, in reviewing the definition of an infraction and specifically that it will not be deemed an arrest, I have some reservations about that. I would suggest that committee counsel give that definition some study. My concern is that I certainly do not want to run into any problems under these Supreme Court decisions, and the Stops and the Robinsons cases concerning any seizure of evidence to be used in a criminal prosecution stemming for a mere stop for purposes of handing out a traffic citation. I would suggest that no mention be made of the fact that this either does or does not constitute an arrest because of the problems that could arise therefrom. There is a great body of law which defines what an arrest is and I would feel far more comfortable in any prosecution where a seizure resulted from a detention for purposes of violation of the motor vehicle law relying on that body of constitutional law which defines at what point an arrest is actually consummated. I just received this rather lengthy bill yesterday afternoon. I tried to go through it very quickly last evening. There may be some other changes which we would like to propose. I don't think there would be anything major because we did discuss we did discuss this in a committee meeting at some length. However, if there are any minor changes, I certainly would like to reserve the right to discuss them with this committee's consent.

Needless to say, the number of motor vehicle violations has been very substantial over the past fiscal year, we were

talking about approximately 183,000 such cases. Even with the Violations Bureau, it seems that over 100,000 such cases came into the traditional court system during the course of fiscal 73 and 74. I think that this concept is certainly sound in pleading these offenses as infractions and of course, the other necessary part, which in just reviewing this bill very quickly, I didn't see contained therein, would be that the fine would be standardized across the board, standardized in such a manner that a jury trial upon a plea of not guilty through the mail, so to speak, would not be available.

A concept is of course with the infraction that a citation issues for the payment of the fine. If the fine is not paid and a plea of nolo contendere, I used the term, not guilty, I apologize. Nolo contendere was what was contemplated. If a plea of nolo contendere is entered, then the party would be entitled to a court trial, not a jury trial and the Court of Common Pleas. We certainly support the legislation.

REP. HEALEY: We definitely will appreciate help of your office and I suggest that any ideas you may generate, you communicate to Committee Counsel, Mr. Gordon.

MR. MULCAHY: Yes, I certainly will. Thank you very much.

REP. HEALEY: Thank you, sir. Chief John Ambrosio.

MR. AMBROSIO: Mr. Chairman. My name is John P. Ambrosio, I'm the Chief of Police in the town of Hamden. I'm here as one of the representatives of the Conn. Chiefs of Police Assn. to speak in favor of the concept of bill 8330 but also to speak in opposition to some of the proposals contained within that bill; specifically, the Conn. Chiefs of Police object and will not support sections 3, 4 and 5 as it is presently written. We also agree with Mr. Mulcahy in his comments regarding the infraction not to be deemed an arrest. We feel that it runs counter to two recent Supreme Court decisions, one originating in Washington, D. C.; the other from the State of Florida. We would like to see that language out of the bill; except for those reservations, we support the bill and would hope that you would see that you amend it.

REP. HEALEY: Thank you very much, John. Chief Clarence Drum.

MR. DRUM: Mr. Chairman, I'm Clarence Drum. I'm the Chief of Police of East Hartford. I also had the good fortune to sit on the advisory committee representing the Conn. Chiefs and I can only echo the remarks of everyone that spoke before me and I would hope that you would look through Sec. 3, 4, 5 as we did and we feel it should be out.

REP. HEALEY: Commissioner Pac. Did Edward Carroll return?

MR. GROSS: My name is Solomon Gross. I teach Criminal Justice but I've had over 30 years actual practical experience in the police field and I'm here to support the bill 8330

because I feel it will uplift the whole quality of criminal justice in this state. I was Chairman of the Committee that initiated the action that led to this particular bill here today and I wanted to state that there was a wide and overwhelming representation from all walks of life from every type of profession who are interested in this bill. I believe that the reason that they were interested is because they felt that these traffic offenses and minor misdemeanors tend to put a criminal tinge on what might be considered absentminded or non vicious conduct on the part of the citizen. I think it will help improve the image of the police department of the various police forces in the state and it will put the kind of activity that you have in this in its proper prospective which is actually non criminal conduct. Thank you very much.

REP. HEALEY: Thank you, sir. Has Capt. Paul Seaman returned? Solomon Gross. Francis McManus. John Kelly. Thomas Daley. William Adint.

MR. ADINT: Mr. Chairman, my name is Bill Adint, I'm the Exec. Director of the Conn. Safety Commission and I'd like to speak in favor of 3 proposals. The first one is Raised Committee bill 1468. Before I begin, I'd like to bring to your attention two typographical errors. One is on line 20 the amount of blood alcohol is listed as 0.01. However, it should be 0.10 and the same error exists on line 67. It should be 0.10. The Commission speaks in favor of this bill. It is a new drunk driving bill, so to speak, and it is new, very new. As a matter of fact, there are only five states that have enacted this type of legislation. However, it does have the endorsement of the National Committee on Uniform Traffic Laws, the Dept. of Transportation, the National Safety Council, the Highway Users, and the American Medical Association. This is what we call a per se drunk driving bill. It eliminates the third presumption, namely, that if at the time of the arrest, there's an excess of 10 hundreds percent alcohol by weight in a person's blood and it replaces that no person shall operate any vehicle if he has 10 hundreds percent by weight of alcohol in the blood so that it would eliminate the presumptive clause or section and replace it with a per se type of a situation. This, of course, would give the drunk driving law a little bit more "oomph as they say". Any questions.

I would also like to speak in favor of Raised Committee Bill 1470 and 1473. This would be to amend our present implied consent law. I'm sure you're aware of the fact that in 1963 when Connecticut's implied consent law was enacted, that it was a good workable piece of legislation. However, in 1967 because of an amendment, the law became totally inoperable. As a matter of fact, the provisions of this act have not been enforced in this state since 1967. What I have done here, I've given two versions for your consideration. 1470 would reinstate our original implied consent provision as

any standards, regulations, etc. adopted by the Department of Health could be tested on pre-trial motions, pleas on abatement, etc.; additionally, of course, when the scientist the toxicologists testify, cross examination, the substance, the reasonableness, so to speak, of those standards could be brought out by the defense counsel and I would urge that this language, that the bill be reported favorably with this language in it.

With reference to Prosector Kane and Prosecutor Wolf, I would simply support everything that they said and add to that, that from the standpoint of the Chief State Attorney's office we have certainly seen and since the Kells-Murphy decision about a year and a half ago. This has been an extraordinarily serious problem on a statewide basis and I would simply urge that this legislation is critically needed. Thank you.

REP. HEALEY: Thank you. Charles Gill.

MR. GILL: Good morning, gentlemen. My name is Charles Gill. I'm the Chief Public Defender for the Court of Common Pleas of the State of Connecticut. I'm here to speak in favor of Raised Committee Bill 8330. First, this bill will not have a tremendous impact upon the operation of the public defender system in Connecticut. However, I am personally in favor of it for three reasons. I believe there are three positive aspects of the bill. First, to some degree, it will tend to decrease the caseload of an overburdened public defender system. Second, it will tend to allow other court personnel more time to spend doing more important things than dealing with some of the lesser important things included in the bill. And third, I view the concept of the bill as a precursor of an extended and amplified bill someday in the future which may, at that time, have a tremendous impact upon the public defender system and indeed, upon the total criminal justice system in the state. Thank you.

REP. HEALEY: Any questions. Thank you, Mr. Gill. My apologies with having a little difficulty here with reading but it looks like John E. Blash.

MR. BLASKO: Mr. Chairman, members of the committee. My name is John E. Blasko, Exec. Vice President of the Motor Transport Association of Connecticut representing a thousand motor carrier and allied industry members, appearing here in support of Raised Committee Bill 109. The evidence is irreparable that the lowered speed limits have reduced accidents, injuries and fatalities. This in itself is a reason enough to warrant the proposed change. However, if additional support is needed, it can be found in fuel conservation. As indicated by a recently completed federal department of transportation study, undertaken jointly with the trucking industry, it has been established beyond any question that fuel will be conserved within the trucking industry. The percentages and amounts will vary with different types of equipment, different types of roads, weather conditions, but in final analysis,

there is no doubt of the savings. In behalf of the trucking industry urge not only passage of the bill and concurrently with it, the development of a program of enforcement. Thank you very much.

REP. HEALEY: Thank you, sir. David Jackson.

MR. JACKSON: Good morning Mr. Chairmen and members of the Committee. My name is David Jackson, an aide to Judge Lexton the Chief Judge of the Court of Common Pleas. I'm here this morning under his direction to let you gentlemen know his feelings towards bill 8330, an act establishing infractions of the law. First of all, Judge Lexton feels that the word infraction is going to help basically because so many people feel that they committed a motor vehicle violation; they think they're a criminal. We'd had this happen many times in court where our defendant feels that they're guilty but they're so afraid they're going to have a criminal record and this would obviously clarify that once and for all. As Mr. Costas spoke earlier this morning, I think it should be clarified in regards to how a defendant should plead under these infractions. Judge Lexton feels that there should be two alternatives. A nolo plea will be entered with the fine paid or a not guilty plea will be entered in writing. By having only these two options, it will alleviate the congestion in our courtroom today of defendants coming in on a stop sign, stop light, and other type of cases, under the infraction bill and simply pleading guilty. Mainly, they do this because they don't understand the confusion in the past law. By doing this, Judge Lexton feels that we will have from 3 to 5 judges available every day for additional court work. If a not-guilty plea is entered in writing, the prosecutor will still have the opportunity to screen it. If he wants to nolle the matter; if he wants to substitute an information or - he still has the opportunity to screen the case prior to the trial.

Presently, in some of our small areas, we have dockets from 2 to 500 cases a day. That's 500 people in a courtroom on a Monday morning at 10 o'clock. They're wasting their time; their wasting the court's time. Judge Lexton feels if that one provision can be straightened out that he believes this infraction bill would help the Court of Common Pleas immensely.

REP. HEALEY: Do you have a set of proposals as far as language is concerned on this suggested change?

MR. BLASKO: Well, he has talked to Peter Costas and as Mr. Costas stated this morning, basically he would like to clarify somehow in Sec. 2 of the bill. Let's see. It's spelled out but he feels is ambiguous as written now that it says - "may plead not guilty or pay the fine for such infraction, lines 26 through 28. If it could be spelled out that either way it would be in writing or by mail, or in person, so that they don't have to make an actual appearance to plead guilty.

This is along with 542b and 542c of the general statutes which is as written now. O.K. Thank you.

REP. HEALEY: Thank you, sir. Rep. Quinn.

REP. QUINN: Rep. Quinn, 132nd District. I'm speaking in behalf of 5292, an act concerning registration of bicycle serial numbers. This is a bill that would aid the police department's and local communities helping find stolen bicycles. The first section would actually require the sellers of these bicycles to have registrations imprinted into the frame, main frame of such bicycle, and the second part is the recording of these serial numbers. Currently right now, this is actually a consumer protection bill cause currently, right now, if you bought a bicycle, just to name a store, say it's Sears, and about a month and a half later or two months later, the bicycle was stolen from your residence, if you went back to Sears, more than likely they would not have the serial number of the bike sold to you. They would the date of transaction but would not have listed the serial number in the transaction. This would require listing of serial numbers available to the police, retention period of four years; actually, it's a matter of paper work as far as the second party is concerned and it would assist the local police departments in actually identifying a bicycle once it is found. With the identification numbers imprinted into the main frame, it would make it harder for someone to try to scrape these off. We used to have a little welded on clip with a number on it. It's very easy to scrape this off. So it's actually a consumer protection bill in a way to protect those people who buy these bicycles and a lot of 10-speed bicycles are being bought now and they're very expensive and there's a big market to steal these and then sell them hot. And I would suggest to this committee that this would be a bill to protect the consumers. If they fail to register their numbers either with the local police department and to keep on file at home, they could at least go back to the place they purchased this bicycle and find out what the serial number was and then it would help the police identifying such bike.

REP. HEALEY: Thank you. Allan Freiheit.

MR. FREIHEIT: Mr. Chairman and members of the committee. I'm Lieutenant Allan Freiheit of the Glastonbury Police Dept. I would like to speak in favor of Bill No. 5156a as submitted by Mr. Hannon of the MTPC. A small to medium sized department depends heavily upon the M.T.P.C. for most of our training. It is of the utmost importance that the quality of training available to local departments be maintained and that the quantity of training be increased. Passage of a bill similar to 5156a will of course, be a major step in this direction. I just returned from FBI National Academy. In talking with my associates at the academy, I find the progressive states and agencies across the nation are using legislation similar to that bill in

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REPRESENTATIVE O'NEILL (34th):

May that item be recommitted to the Committee on State and Urban Development.

THE CHAIR:

Is there objection? Hearing none, the matter is recommitted.

THE CLERK:

Page four, Calendar 1030, Substitute for House Bill 8330, AN ACT ESTABLISHING INFRACTIONS OF THE LAW.

THE CHAIR:

The gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

Perhaps the Judiciary Committee can come back to the more normal way of doing business. I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

THE CHAIR:

Question is on acceptance and passage. Will you remark, sir?

REPRESENTATIVE HEALEY (72nd):

MR. Speaker, the Clerk has an Amendment.

THE CHAIR:

Will you please call House A.

REPRESENTATIVE HEALEY (72nd):

I would ask that the Clerk first call ICO 9708.

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THE CLERK:

House Amendment, Schedule A, LCO 9708, offered by Mr. Healey of the 72nd. Strike Lines 2008 to 2023 inclusive. Renumber remaining sections accordingly. In Line 2101, strike the word "October" and insert the word "November".

THE CHAIR:

The gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, I move acceptance of the Amendment.

THE CHAIR:

Question is on adoption of House A.

REPRESENTATIVE HEALEY (72nd):

YES, Mr, Speaker. This Amendment does two things; one it removes from the Bill before us, the reference to the Helmet Law insofar as we did pass a Bill concerning the Helmet Law yesterday and the provisions in this Bill are inconsistent with our actions yesterday. The second thing that it does is it changes the effective date of most of the Bill from October 1 to November 1. This has been done at the request of the Chief Judge of the Court of Common Pleas who has informed us that he needs a significant amount of lead time before he can implement the provisions of the Bill. Therefore, I move the Amendment.

THE CHAIR:

Will you remark further on House A? If not, the question is on its adoption. All those in favor will indicate by saying aye. Opposed?

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THE CHAIR:

House A is adopted and ruled technical. Will you remark further on the Bill as amended by House A?

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, the Clerk has another Amendment and I ask that he call Amendment, LCO 9186.

THE CLERK:

House Amendment, Schedule B, LCO 9186, offered by Mr. Kennelly of the 1st and Mr. O'Neill of the 34th and others. Representative Badolato of the 23rd, Representative O'Leary of the 60th, Yacavone of the 9th, Wilber of the 133rd, Morrison of the 94th, Vicino of the 78th, Carragher of the 5th, Rappaport of the 73rd, Lawless of the 137th, Wright of the 77th.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, I ask permission to summarize.

THE CHAIR:

Is there objection to the gentleman from the 72nd summarizing? If not, the gentleman from the 72nd for that purpose.

REPRESENTATIVE HEALEY (72nd):

Yes, Mr. Speaker, what this Amendment does is it amends Section 6a of the Bill as it is in the file to provide for a statutory maximum speed limit of 55 miles an hour. IT provides that this will apply to all high-ways throughout the State. IT also provides that this will apply to all parking areas which are available, with or without charge, and it also

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changes the definition of speeding so that it is driving at a rate of speed which offers danger to any person rather than simply anyone other than the occupants of a car only. I move the Amendment.

THE CHAIR:

Will you remark further on House A? or House B? The lady from the 133rd, Representative Elinor Wilber.

REPRESENTATIVE WILBER (133rd):

Thank you, Mr. Speaker. This is an Amendment which, as Mr. Healey says, the function and the purpose of the Amendment is to reduce the statutory speed limit to 55 miles an hour. Last month, the Bill was introduced by the Transportation Committee and somehow got mislaid. It was introduced into the House and it got mislaid somehow in Judiciary. And we asked the Speaker and others and apparently they decided it's a very good time and a very good place to put the Amendment. The reason for this Bill is three-fold. First, there is, at least in the Department of Motor Vehicles, concern that we will lose some Transportation money or highway money, probably as much as ten percent as we would if we had eliminated the Helmet Law. Another reason is clearly that while (Tape #23) the speed limit was reduced by the energy crisis, we reduced the number of deaths per highway mile traveled; not simply the number of deaths in the State but per highway miles traveled from 2.8 to 2.2 per hundred million miles. The third reason is, of course, the energy saving which is derived from the reduction of the speed to 55 miles an hour. I know that many people think that the speed limit in the State is 55 but - because it's posted that way but, in fact, it is 70 on the statute books

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and, therefore, it is a negotiable item when someone is arrested for speeding. I think I just want to say again that this Amendment has the strong support of the Commissioner of Motor Vehicles who feels very, very strongly, in particular, about the saving of life which would occur if the speed limit were reduced and kept. Thank you very much, MR. Speaker.

THE CHAIR:

Further remarks? The gentleman from the 89th.

REPRESENTATIVE DICE (89th):

Mr. Speaker, a question of the proponent of the Amendment. Since I don't have a copy in front of me, as I understand it, it changes the definition of speeding to include endangering anyone which is different from the current law which is endangering the parties that are in the car or the party who is operating. Does that mean in every case, when you have a matter that you're endangering someone outside the car, that you have automatically two offenses against you - that would be prosecutable? Meaning one speeding and the second reckless? In other words, in every case of reckless, do you also have a case of speeding too, when you're over the limit?

THE CHAIR:

The gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, to clarify my earlier remarks with respect to that, present language defines - one of the definitions of speeding is such a

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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. What we are changing is the language of that so that it will read the one definition of speeding is such a rate of speed as to endanger the life of any occupant of such motor vehicle or the life of any other person. I think really all it's doing is cleaning up the language, which is cumbersome at the present rendition.

THE CHAIR:

The gentleman of the 89th has the floor.

REPRESENTATIVE DICE (89th):

Through you, Mr. Speaker, again I'm not clear on this. It is my recollection that when you were charged with - when a car was moving and you endangered someone outside the car, you are now charged with only one offense which is reckless. Is it my understanding now when you are in that situation and exceeding the 55 mile limit you are going to be charged with two offenses automatically? Is that what the language does?

THE CHAIR:

The gentleman of the 72nd.

REPRESENTATIVE HEALEY (72nd):

Through you, you could now be charged with both offenses, if it is an unreasonable rate of speed that causes the danger to the person who is not an occupant of the car. I don't think we've changed that at all.

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REPRESENTATIVE DICE (89th):

Thank you, Mr. Speaker.

THE CHAIR:

Will you remark further on the Amendment? If not, - the gentleman from the 132nd.

REPRESENTATIVE QUINN (132nd):

Mr. Speaker, I rise to oppose this Amendment. As a Representative of the people in one third of the Town of Fairfield, I haven't seen anyone coming to me asking me to reduce the speed limit on our State highways. Only during the time of the crisis for energy consumption, fuel consumption was there a great concern over this and I believe in going 55 miles an hour, but as a maximum speed in our State we should not reduce it so drastically and over react as we seem to be doing with this Amendment. Mr. Speaker, I submit to you and to the body here, that we're not going to change the habits of our people who may go 60-65. We're going to have a lot of people losing their licenses and if we're here to represent the people, we should not be restricting them by the use of their cars 60 miles an hour. And I would submit to you also that this is a Bill that I consider a sleeper measure and I'm very much opposed to it and I ask for a roll call vote on the matter.

THE CHAIR:

Motion for a roll call on adoption of House Amendment, Schedule B. All those in favor of the vote being taken by roll will indicate by saying aye. It is the opinion of the Chair that in excess of 20 percent of the

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Members present, as is the provision in our Rules are in support of the Motion. An appropriate roll call will be ordered. Further remarks? The gentleman from the 77th.

REPRESENTATIVE WRIGHT (77th):

Thank you, Mr Speaker. I rise to support this Amendment. I think it's a good amendment and I think it's a necessary Amendment and I'd like to restate again some of the points that were made previously by Representative Wilber. The reason - there are a number of reasons for bringing out the Amendment. Number one, the 55 mile an hour speed limit is about to be put in the same category as the Helmet Law that we passed and that is if by 1-1-76, if we do not have a maximum speed limit in this State of 55 miles an hour, we stand a good chance of losing the same ten percent of our highway funds from the Federal government. We stand a chance of losing the same \$12 million that we stand to lose if we repeal the Helmet Law. We're not repealing the Helmet Law for that reason and I think that for that same reason we should now support this Amendment.

Secondly, Mr. Speaker, there is a very serious problem of accidental death on the highways. And since the energy crisis and since we have - in 1974 we had to reduce our speed limits because of Federal regulation, dramatic things have happened. I'd like to just go over briefly with you some of the statistics regarding automobile deaths in the State of Connecticut. In 1968, there were 438 highway deaths in Connecticut. In 1969, there were 404; 1970 451; 1971 there were 490, continually rising numbers. It was a slight drop in 1972 to 467. In 1973, the year before

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the energy crisis, there 517 highway fatalities in the State of Connecticut. In 1974, when speeds were reduced, because of the energy crisis, there were 398 fatalities; down from 517 the year before. So far in 1975, there have been 135 fatalities on the State of Connecticut roads. This compares to 114 as of this time last year. 21 more fatalities; seventeen or eighteen percent increase because we have allowed the speed limits to again rise because of our speed limit of 70 miles an hour in the State of Connecticut. Mr. Speaker, this Amendment will save energy and it will save lives. I support this Amendment and hope we will pass it overwhelmingly.

THE CHAIR:

The gentleman from the 105th.

REPRESENTATIVE PAWLAK (105th):

Mr. Speaker, I support the Amendment. Representative Wright has expressed a number of very pertinent comments. I won't go into that, but with regard to comments to the affect that you can't change the people's habits insofar as speeding is concerned, I should like to repute that to the depths that the energy crisis and the reduced speed limit has certainly changed my habits. Where I used to travel at 65 and 70 miles an hour, and 55 would be appearing to be crawling, I have accustomed myself to the fact I get by very, very well at 55 miles an hour, Mr. Speaker. I think we all should do the very same thing. I know it can happen and if we can save lives and save energy. Thank you.

THE CHAIR:

Remark further? The gentleman from the 151st.

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REPRESENTATIVE MORANO (151st):

Mr. Speaker, I rise to support this Amendment and I'll be the first one to admit that I drive in excess of 55 miles an hour. First we should congratulate Representative Wright and his statistics. I'd like people to know that speeding is not the number one killer in our State or our country, but it's drunken driving. Tailgating is next and speeding is number three. When we were faced with the gasoline shortage last year, I did drive 55 miles an hour. My little Plymouth won't go 95. And I did save gas but the thing that worried me more than anything was I was taking my life in my hands by the out of State drivers who were driving far in excess of 55 miles an hour. And I would hope that this Assembly one day would consider a State Highway Patrol, under the jurisdiction of the State Police to enforce our Motor Vehicle law on the highway. I support this Amendment.

THE CHAIR:

The gentleman from the 111th.

REPRESENTATIVE CAMP (111th):

Yes, through you, a question to Mr. Wright.

THE CHAIR:

Please frame your question, sir.

REPRESENTATIVE CAMP (111th):

Yes. Could you tell me please, if there is any estimate of the number of miles traveled during the respective years in which your statistics supply?

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THE CHAIR:

The gentleman from the 77th if he cares to respond.

REPRESENTATIVE WRIGHT (77th):

Through you, Mr. Speaker, a lot. I don't have the figures, Mr. Camp, which show the change in the miles, but I do have a letter from Commissioner Pac that shows not only during the energy crisis did the number of fatalities drop, but also the number of fatalities per million miles driven dropped. And I think that's the important thing. IT dropped from 2.8 fatalities for every 100 million vehicle miles to 2.3 fatalities per 100 million miles.

REPRESENTATIVE CAMP (111th):

Through you please, a question. And what was the source of that statistic?

THE CHAIR:

Gentleman from the 77th if he cares to respond.

REPRESENTATIVE WRIGHT (77th):

Commissioner Pac of the Motor Vehicle Department.

THE CHAIR:

The gentleman from the 111th has the floor.

REPRESENTATIVE CAMP (111th):

Yes, through you please. Does Commissioner Pac indicate where the statistic came from?

REPRESENTATIVE WRIGHT (77th):

No. This was a study that they did. I don't know exactly when it was done.

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REPRESENTATIVE CAMP (111th):

MR. Speaker, I would challenge the statistics that were brought out. We have some from a new Commissioner who is undoubtedly a qualified Commissioner, but we have no indication where the statistics came from. It happens in 1974 in the year in which traffic fatalities were severely reduced, there was also a lot less driving because of the energy crisis. I think that's a very meaningless statistic. I would also ask the gentleman one further question please, through you.

THE CHAIR:

Please state your question.

REPRESENTATIVE CAMP (111th):

Mr. Wright, would you cite the statutory authority under which we are going to lose Highway Funds allegedly, if we don't pass this law?

REPRESENTATIVE WRIGHT:

Yes, Mr. Camp, through the Speaker, the Federal Highway Administration has proposed an Amendment to part 658 of Title 3 of the Code of Highway Federal Regulations which would place the 55 mile an hour speed limit in the same category as other safety provisions. The one we are most familiar with is the Helmet Law. And if we do not comply with those regulations, we are subject to possible loss of a portion of ten percent for each difference of Federal Aid Highway Funds.

REPRESENTATIVE CAMP (111th):

Mr. Speaker, through you, a question. Did I understand that Mr. Wright said that they had proposed such a regulation?

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REPRESENTATIVE WRIGHT (77th):

Yes.

REPRESENTATIVE CAMP (111th):

Than, am I correct in my understand that no such regulation currently is outstanding?

THE CHAIR:

Does the gentleman care to respond?

REPRESENTATIVE WRIGHT (77th):

Through you, MR. Speaker, that's my understanding at this time.

REPRESENTATIVE CAMP (111th):

Mr. Speaker, this is more limit than I thought we limited before. Now we're not even worried about what the Federal government does or what they have done, but what they might some time in the future do to determine whether or not we meet here and whether or not we pass laws. IT seems to me on the one hand we've had a phoney statistic and on the second we have a regulation that's not a regulation. Quite obviously I oppose this Amendment. I oppose it because I think I'd be a hypocrite to do otherwise. I think I and probably 90 percent of the people in this House very regularly drive at speeds well in excess of 55 miles an hour, as do most of my constituents and I expect most of yours. If you want to clog up the Courts, this is a better system for lawyers full employment than some of the ones we've seen before. I think this is a ridiculous Amendment. I would like to ask one other question please, of the proponent or the Chairman of any other committees. And that is, through

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you please.

THE CHAIR:

To whom is the gentleman postulating his inquiry?

REPRESENTATIVE CAMP (111th):

I will address it to Mr. Healey. Was a Public Hearing held on this Amendment?

THE CHAIR:

The gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, a Public Hearing was not held on this Amendment, but a Public Hearing was held by both Transportation and Judiciary on a Bill which incorporated the provisions of this Amendment and there was no (Tape #24) opposition. It was backed even by the professional truckers.

THE CHAIR:

The gentleman from the 111th.

REPRESENTATIVE CAMP (111th):

Yes. Could you tell me how many people spoke in favor of it from the public?

REPRESENTATIVE HEALEY (72nd):

I am not a computer. I do not have that much of a memory. I know it was a Public Hearing of which notice was given and notices appeared in news items of various newspapers, as well as in the Legislative Bulletin and we did have a substantial attendance that particular day. I cannot recall for memory, how many people addressed themselves specifically to this concept.

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REPRESENTATIVE CAMP (111th):

Thank you, Mr. Speaker. I think they'll speak to it if we adopt this Amendment, soon enough. Thank you.

THE CHAIR:

Further remarks? The gentleman from the 87th/

REPRESENTATIVE DE MENNATO (87th):

Mr. Speaker, I want to say something before I go into my remarks. I have no conflict of interest because my car won't go over 55 miles an hour. But most of the cars on our State highways have speedometer errors of anywhere from 5 to 6 miles per hour. I think you can talk to any State trooper and find out that this is fact. Our people could be doing 55 miles an hour according to their speedometer and in actuality, with a patrol car behind them which I might add, has a calibrated speedometer, it could be registering 61 miles an hour or 60 miles an hour. If we go to 55 miles an hour, we're absolutely eliminating any leeway whatsoever. I think that we should at least add an extra five miles over and above the speed limit and make it 60 as the maximum speed limit. 55 I feel is much too restrictive and, unless we require every car delivered into the State of Connecticut have a calibrated speedometer on it, similar to police cars, I just think that we're going to clog everything up in our Judicial system. Thank you.

THE CHAIR:

The gentleman from the 53rd.

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REPRESENTATIVE WALSH (53rd):

Mr. Speaker, unlike Representative Camp, I, since I've gotten those plates that indicate I'm a Legislator, I do make a sincere endeavor to stay within the 55 mile an hour speed limit. My problem is that as I come down 84 into Hartford each day, cars go by so rapidly that I can't even be sure of whether Legislators are going by me at faster speeds because they move too fast for me. I don't think 90 percent of the cars that are on the road today are complying, on the State highways today, are complying with the 55 mile an hour speed limit. I think we're talking about something so totally unrealistic that it's even unenforceable. I'm not even concerned about clogging the Courts. I don't think that our State Police are even enforcing the 55 mile an hour speed limit and I think it would be a sham to put into statute. I oppose the Amendment.

THE CHAIR:

Are you prepared to vote? The gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, I'd like to take an opportunity to clarify my answer to Representative Dice. I don't think that I quite really understood the nature of his question. We are in no way affecting the present provisions of Section 14-219, Sub-Section C, which provides that you may not be prosecuted for both reckless driving and for speeding for the one factual situation. I agree with him that the definition is such that now you could be charged under either one of the two statutes but

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you can't be prosecuted for both at the same time.

THE CHAIR:

Are you prepared to vote? The gentleman from the 105th.

REPRESENTATIVE PAWLAK (105th):

Mr. Speaker, for the second time. I must respond to one of the remarks of the previous speaker who said that one of the dangers of enacting this Legislation would be to clog up the Courts. If we don't enact this Legislation, Mr. Speaker, I think the other alternative, the other danger is that we might provide a bonanza for the funeral homes and the hospitals, the doctors. I think we would be doing well to enact this Amendment. I so urge.

THE CHAIR:

The Chair will announce an immediate roll call. Will the Members please be seated and the Staff come to the well. The machine will be opened. The machine is still open. Have all the Members voted and is your vote properly recorded? The machine is still open. Have all the Members voted? If so, the machine will be closed. The Clerk will take a tally.

THE CLERK:

Total Number Voting	138
Necessary for Passage	70
Those Voting Yea	98
Those Voting Nay	40
Those Absent and Not Voting	13

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THE CHAIR:

House Amendment B is adopted. Will you remark further on the Bill as amended by House A and B? The gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, now addressing myself to this very simple forthright Bill consisting of only 45 pages, 126 sections and 2,103 lines. This proposal is a concept that can change from criminal violations to civil infractions a great number of the less serious motor vehicle matters and also a very small number of minor misdemeanors. It makes them civil offenses- if a person wishes to contest the charge, then he is free to enter a plea of not guilty even though it's a civil offense and to have his trial conducted under the rules of criminal procedure, including the burden of proof.

It provides that the judges of the Court of Common Pleas will set up a schedule of fines for these various infractions and that if you were cited for one of these infractions you have the option, if you desire to elect it, to pay by mail rather than by an appearance in Court exactly the same way that a parking ticket may now be handled. The one exception is in the event that there is a violator who is cited who is a resident of a State which does not have reciprocity with the State of Connecticut and those people would be required to file a cash bond rather than pay by mail.

It covers practically all motor vehicle violations except those where serious misconduct is involved; such as driving without a license,

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operating under suspension, negligent homicide, reckless driving, evading, operating under the influence, using a motor vehicle without permission of the owner. It also covers some very minor, petty misdemeanors such as violation of an ordinance where the fine does not exceed \$100.00 with the one exception of those ordinances which have to do with the Building or Health Code. Also, use of slugs, failure to relinquish a party line when an emergency is claimed by the other party and failure of a physician to report epilepsy. It is estimated by Judge Lexton that with the enactment of this Bill, a very substantial percentage of Court time will be saved because it'll be transferred over to administrative time. It is also a matter of a fiscal note in the Office of Fiscal Analysis indicating that all of the Court of Common Pleas will have to do is move some of its personnel from the courtside to the violations bureau side and, therefore, they will be able to handle this without additional personnel and without additional expense. In actual fact, it is our anticipation it will cause a very substantial savings to the State of Connecticut. I move the Bill.

THE CHAIR:

The gentleman from the 89th.

REPRESENTATIVE DICE (89th):

Mr. Speaker, just one question to the proponent of the Bill. Without having to read the two thousand some lines, can you tell us what happens to the individual who receives a ticket and he or she believes they are not guilty, instead of paying the fine, do they have any other alternative?

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THE CHAIR:

The gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

Definitely, positively and indubitably they do not wish to pay the fine, they may appear in Court and they may contest it and even though it is a civil proceeding, nevertheless, the rules of criminal procedure will apply and the burden of proof as in a criminal case, will apply.

THE CHAIR:

Prepare to vote. The gentleman from the 52nd.

REPRESENTATIVE JULIAN (52nd):

Mr. Speaker., a very quick question to Representative Healey. Would you explain for me, Representative Healey, exactly how the motor cycle Bill that we passed yesterday is affected by this? I don't quite understand. Which one now takes affect?

THE CHAIR:

The gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

We have eliminated in the file, the lines which applied to the Helmet Law. Therefore, it will not be within the power of the Judges in the Court of Common Pleas to set a fine in excess of the \$10.00 which we mandated yesterday.

REPRESENTATIVE JULIAN (52nd):

Thank you very much.

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THE CHAIR:

Prepare to vote. Will all the Members please be seated and the staff come to the well. The machine will be opened. Have all the Members voted and is your vote properly recorded? If so, the machine will be closed and the Clerk will take a tally.

THE CLERK:

Total Number Voting	135
Necessary for Passage	68
Those Voting Yea	111
Those Voting Nay	4
Those Absent and Not Voting	16

THE CHAIR:

The Bill, as amended, is passed.

THE CLERK:

Page five, Calendar 1043, Substitute for House Bill 5640, AN ACT CONCERNING HEARING ON TERMINATION OF TEACHER CONTRACTS.

THE CHAIR:

The gentleman from the 8th.

REPRESENTATIVE KLEBANOFF (8th):

Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

THE CHAIR:

Question is on acceptance and passage. Will you remark, sir?

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THE CLERK:

Business from the Senate. Substitute for House Bill 8330, AN ACT CONCERNING INFRACTIONS OF THE LAW, amended by House Amendment, Schedules A and B. Senate adopted House A, rejected House B and adopted Senate Amendments A, B, C and D.

THE SPEAKER:

Gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

THE SPEAKER:

The Chair will entertain a Motion for Suspension.

REPRESENTATIVE HEALEY (72nd):

Thank you Mr. Speaker. I move for Suspension of the Rules for immediate consideration.

THE SPEAKER:

Question is on Suspension of the Rules for immediate consideration of this potentially disagreeing action. Is there objection? Hearing none, the Rules are suspended. The gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, I now move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

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THE SPEAKER:

Question is on acceptance of the Joint Committee's Favorable Report and passage of the Bill. Will you remark sir?

REPRESENTATIVE HEALEY (72nd):

Yes Mr. Speaker, I think that most of the Members of the House remember this Bill before us earlier when we took favorable action. It is in my opinion, one of the most important Bills to come out of the Judiciary Committee in this particular Session. It would reduce most motor vehicle offenses to infractions which could be handled as civil proceedings, without a criminal record and by payment by mail. It would also have the same effect on a small number of very petty misdemeanors. When the matter got to the Senate, the Senate took various action with respect to its own Amendments and ours. I will, therefore, ask the Clerk to call first Senate Amendment, Schedule A. I'll stand corrected. From the Parliamentarian - I would call first, House B.

THE SPEAKER:

Clerk please call House Amendment, Schedule B.

THE CLERK:

House Amendment, Schedule B, LCO 9186.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, it is somewhat lengthy and verbiage. I would ask permission of the House to summarize.

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THE SPEAKER:

Is there objection to the gentleman from the 72nd summarizing House B in lieu of Clerk's reading? Hearing none, the gentleman from the 72nd to summarize.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, the effect of House B was to reduce the statutory absolute speed limits upon all highways of the State of Connecticut to 55 miles an hour. From the present 70 on Interstate type roads and 60 on secondary roads. The Senate, in its wisdom, chose to reject House B. The vote was 29 to 6. I would point out to the Members of this body that regardless of how you may feel with respect to 55 or 60 or 70, a vote, either to accept or reject this Bill - I'm sorry - this Amendment, would have precisely the same affect. If we accept the Amendment, then it will have to go back to the Senate on disagreeing action. With a vote of 29 to 6 in the Senate, and with the time being 10:30 at night on the very last day, acceptance of the Amendment and insistence upon the acceptance of the Amendment - Mr. Speaker, may I correct myself by moving rejection? I think it would be a lot clearer? May I have that permission from the body?

THE SPEAKER:

The Chair understands and the Chair puts to the Chamber a Motion to Reject.

REPRESENTATIVE HEALEY (72nd):

Thank you sir. If we reject House B and we pass the Bill - regardless of whether or not we pass the Bill, then the present statutory law will remain on the books. If we refuse to reject, then we are in a posture of

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disagreeing action and therefore, there would have to be further dealings with the Senate. In view of the time of 10:30 at night on the last day of the Session; in view of the 29 to 6 vote on the part of the Senate in rejecting House B and, in view of the fact that the Senate is presently considering the Bill which we took five hours to consider, it is obvious that if we were to refuse to concur in the action of the Senate, the Bill would die and, therefore, the 70 mile an hour limit would stay on the books anyway. In other words, no matter how you vote, the 70 mile an hour will stay. However, if you vote to reject, at least we have a chance of saving this particular Bill before us. If you insist upon refusing to reject, then we will have lost the Bill and I submit that the infractions Bill is a matter of very real importance to your citizenry, your people whom you represent because it will give them an opportunity to dispose of many petty matters without the necessity of going to Court, without the necessity of hiring a lawyer, without the necessity of giving up time from work. Therefore, I urge rejection at this time of House B.

THE SPEAKER:

Will you remark further on the Motion? The lady from the 133rd, Representative Eleanor Wilber.

REPRESENTATIVE WILBER (133rd):

Thank you very much, Mr. Speaker. I have great respect for Representative Healey and for his Bill, which I am sure he feels some of us have tampered with - one that obviously was worked out with a great deal of care. However, I am bitterly disappointed. I think that the 55 miles an hour speed limit is probably very much more important to the State than most people

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realize. The Department of Transportation in Washington has threatened to reduce our funds from that Department by ten percent if we do not reduce the speed limit to 55 miles an hour. That would be, if they follow out that threat and we have no reason to think that they will not do that, is a total of \$12 million in the next fiscal year. Aside from that, there is the energy saving for which we are all responsible, individually and as a State and the problem of safety and the reduction in the number of deaths in the State since or at the time when people were driving 55 miles an hour. For all of those reasons, I feel very badly and I must say that this Bill was passed by the Transportation Committee, JF, brought to the House and referred to Judiciary, where it died an ignominious death. I do not believe it was considered seriously, possibly because it was not recognized that the Transportation Department had very good reasons for supporting the Bill. I would hope that maybe in the next Session, if we can go it; that we wouldn't have to apply or put an Amendment on a very important Judiciary Bill and that we could actually face and discuss a Bill that would reduce the speed limit to 55 miles an hour. Thank you very much, Mr. Speaker.

THE SPEAKER:

Will you remark further on the Motion to reject? If not, the question is on rejection of House Amendment, Schedule B. All those in favor of the Motion, indicate by saying aye. Opposed? The ayes clearly have it. House B is rejected. The gentleman from the 72nd.

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REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, the Clerk has an Amendment, Senate Amendment, Schedule A. I ask that it be called.

THE SPEAKER:

Clerk please call Senate A.

THE CLERK:

Senate Amendment, Schedule A, ICO 9708. Strike Lines 2008 to 2023, inclusive. Renumber remaining sections accordingly. Line 2101, strike the word October and insert the word November in lieu thereof.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, that isn't in accord with my photo copy, that came down from the Senate. Are we talking about - my photo copy indicates this is Senate Amendment, Schedule A, ICO 9946.

THE CLERK:

The Clerk is in error.

THE SPEAKER:

The gentleman from the 72nd, the very alert gentleman from the 72nd is precisely correct. Will the Clerk please re-read the appropriate Senate Amendment, Schedule A.

THE CLERK:

Senate Amendment, Schedule A, ICO 9946. In Line 54, strike the word "one hundred" and insert in lieu thereof, "ninety nine".

THE SPEAKER:

The gentleman from the 72nd.

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REPRESENTATIVE HEALEY (72nd):

I move acceptance of Senate Amendment, Schedule A.

THE SPEAKER:

Question is on adoption of Senate A. Will you remark, sir?

REPRESENTATIVE HEALEY (72nd):

Yes, Mr. Speaker. What this does is it assures the right of jury trial of a person who is charged with either speeding or reckless driving. The rationale behind the Senate decision that they should be assured a jury trial is that if you are convicted of reckless driving, your license is automatically suspended for a month. If you are convicted of speeding, the first time, then the Judge may recommend suspension and if you are convicted the second time, you get an automatic suspension. They felt that that was sufficiently important sanction so that the right of jury trial should be preserved.

THE SPEAKER:

Will you remark further on adoption of Amendment, Schedule A? If not, the question is on its adoption and all those in favor will indicate by saying aye. Opposed? Senate A is adopted. Will you remark further on the Bill as amended by House A and Senate A?

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, the Clerk has Senate Amendment, Schedule B, LCO No. 9730.

THE SPEAKER:

Will the Clerk please call and read Senate Amendment, Schedule B.

THE CLERK:

Senate B, LCO 9730, strike lines 277 to 289 inclusive. Renumber remaining sections accordingly.

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REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, I move adoption of Senate Amendment, Schedule B.

THE SPEAKER:

Question is on adoption of Senate Amendment, Schedule B and will you remark?

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, what this does is remove from the infractions the use of slugs in a coin operated machine. I agree with the Senate that the use of slugs is tantamount to fraud and I do not feel it should be treated as an infraction but should remain as a crime. I feel this is a good Amendment.

THE SPEAKER:

Will you remark further on the adoption of Senate Amendment, Schedule B? If not, the question is on its adoption and all those in favor will indicate by saying aye. Opposed? The ayes clearly have it. Senate B is adopted. Will you remark further on the Bill as amended?

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, the Clerk has an Amendment, Senate Amendment, Schedule C, LCO No. 9859.

THE SPEAKER:

Will the Clerk please call Senate Amendment, Schedule C and will the Clerk please read.

THE CLERK:

Senate C, LCO 9859, in Section 8, in Line 266, strike out "or an infraction". In Line 267, strike out "or infraction".

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THE SPEAKER:

Gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, I move acceptance of Senate Amendment, Schedule C.

THE SPEAKER:

Question is on adoption of Senate Amendment, Schedule C. Will you remark, sir?

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker this is obviously a correction of syntax only. It has no substantive effect. I feel it is a good Amendment.

THE SPEAKER:

Will you remark further? If not, the question is on adoption of Senate C. All those in favor will indicate by saying aye. Opposed? Senate C is adopted, Will you remark further on the Bill as amended?

REPRESENTATIVE HEALEY (72nd):

Yes, Mr. Speaker. The Clerk has Senate Amendment, Schedule D. LCO No. 9738. I ask that it be called.

THE SPEAKER:

Clerk please call the heading on Senate Amendment, Schedule D.

THE CLERK:

Senate D, LCO No. 9738.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, this is somewhat lengthy. I ask permission to summarize.

THE SPEAKER:

Is there objection to the request of the gentleman from the 72nd to summarize Senate Amendment, Schedule D in lieu of reading by the Clerk?

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Hearing no objection, the gentleman from the 72nd to summarize.

REPRESENTATIVE HEALEY (72nd):

Thank you Mr. Speaker. What this Amendment does is it makes clear that any matter which now may be paid through the Violations Bureau will be considered an infraction and also that violation of State Traffic Commission regulations will be considered an infraction. I believe it's a good Amendment. It probably should have been in the Bill in the first place and I move passage.

THE SPEAKER:

Will you remark further on adoption of Senate Amendment, Schedule D? Will you remark? If not, the question is on its adoption. All those in favor will indicate by saying aye. Opposed? Senate D is adopted. Will you remark further on the Bill?

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, I now move adoption of the Bill as amended by House A and Senate A, B, C and D. I believe it is a really landmark piece of Legislation. I appreciate the indulgence of the House in permitting Suspension of the Rules in order to salvage it.

THE SPEAKER:

Will you remark further on the Bill as amended? If not, the question is on acceptance and passage, House Bill 8330, previously considered in this Chamber and taken up under Suspension of the Rules as presently amended by House Amendment, Schedule A, Senate Amendments, Schedules A, B, C and D. Will the Members please be seated, the staff come to the well and the machine will be opened. Have all the Members voted? Is your vote properly recorded? If

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so, the machine will be closed and the Clerk will take a tally.

THE CLERK:

Total Number Voting	140
Necessary for passage	71
Those Voting Yea	140
Those Voting Nay	0
Those Absent and not Voting	11

THE SPEAKER:

The Bill, as amended, is passed.

THE CLERK:

Page two of the Calendar. On page two, Calendar 1361, Substitute for House Bill 6386, AN ACT CONCERNING STATE AGENCY, DEPARTMENT, BOARD AND COMMISSION RESPONSIBILITIES TO DEVELOP AFFIRMATIVE PLANS.

THE SPEAKER:

The gentleman from the 21st, Representative Thomas Clark.

REPRESENTATIVE CLARK (21st):

I move for acceptance and passage.

THE SPEAKER:

Question is on acceptance of the Joint Committee's Favorable Report and passage of the Bill. Will you remark, sir.

REPRESENTATIVE CLARK (21st):

Yes, Mr. Speaker. This Bill provides for the Department of Personnel and Administration to develop an Affirmative Action Plan of the State agencies in cooperation with those State agencies and for those plans to be

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SENATOR LIEBERMAN:

I'd like to ask that we now return to the beginning of the Calendar, under the heading of Favorable Reports and take up or question to see whether we're ready to take up certain items that we had passed temporarily. I believe particularly that Senator Barry is prepared, at this time, to take up Calendar 956.

THE CLERK:

The Clerk will call, on page two of the Calendar, Calendar No. 956, File No. 826 and 998, Favorable Report, Joint Standing Committee on Judiciary on Substitute for ~~House Bill 830~~⁸³³⁰, AN ACT ESTABLISHING INFRACTIONS OF THE LAW, as amended by House Amendment Schedules A and B.

THE CHAIR:

Senator Barry.

SENATOR BARRY:

Mr. President, I move acceptance of the Committee's Favorable Report and passage of the Bill. I think the Clerk has a few Amendments.

THE CLERK:

The Clerk has four Amendments. Five Amendments. The first is Senate Amendment A as offered by Senator Barry. It's ICO No. 9946. In Line 54, strike the words "one hundred" and insert in lieu thereof "ninety nine".

SENATOR BARRY:

Mr. President, the purpose of this Amendment is to provide the right to trial by jury, particularly in speeding charges and reckless

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driving charges, once this new - assuming this Bill in its entirety is passed. Under the existing law today, the right to trial by jury is fixed at \$50.00. Something punishable by a fine of \$50.00 or greater. The file copy would not permit a trial unless the crime carried a penalty in excess of \$100.00. This Amendment reduces that to in excess of \$99.00. Thereby, it would take care of the reckless driving charges and speeding. I think it's a good Amendment and I urge adoption.

THE CHAIR:

Question is on adoption of Senate Amendment, Schedule A. Will you remark further? If not, all in favor please signify by saying aye. Those opposed will say nay. The ayes have it. The Amendment is adopted.

THE CLERK:

This is Senate Amendment B, as offered by Senator Neiditz. LCO No. 9730. Strike Lines 277 to 289 inclusive. Renumber the remaining sections accordingly.

SENATOR BARRY:

May I have that LCO number again please?

THE CLERK:

LCO number is 9730. Strike Lines 277 to 289 inclusive. Renumber the remaining sections accordingly.

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SENATOR BARRY:

For some reason or other, I don't have a copy of that. But what that pertains to is the use of slugs which will not be an infraction but will remain as part of the criminal statutes, Mr. President. I believe that means slugs in vending machines and not in pay toilets, although it may mean both.

THE CHAIR:

Thank you, Senator, for that clarification. Question now is on the passage of Senate Amendment, Schedule B. Do you care to remark, Senator Julianelle?

SENATOR JULIANELLE:

Mr. President, just an inquiry. I did not catch the explanation as to that Amendment and I do not have it on my desk. I would appreciate it if Senator Barry would explain it again.

THE CHAIR:

Will you remark on that again, Senator Barry, and its implications?

SENATOR BARRY:

Mr. President, the use of slugs in any form, rather than coin of the realm is a misdemeanor and the purpose of the Bill is not to handle misdemeanors.

THE CHAIR:

Now, the question is on the adoption of Senate Amendment, Schedule B. All in favor please signify by saying aye. Those opposed nay. The

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ayes have it. The Amendment is adopted.

THE CLERK:

This is Senate Amendment, Schedule C. It's ICO No. 9859. In Line 8 - in Section 8, I'm sorry - in Line 266, strike out " or an infraction". In Line 267, strike out "or infraction".

SENATOR BARRY:

This is purely technical, Mr. President. It's a scribner's error. It has no substantive effect.

THE CHAIR:

Question is on the adoption of Senate Amendment, Schedule C. All in favor will please signify by saying aye. Those opposed nay. The ayes have it. C is adopted.

THE CLERK:

This is Senate Amendment, Schedule D. It's ICO No. 9738. After Line 2086 add new sections as follows. New. Any traffic violation for which the fine was payable by-mail prior to the effective date of this Act under the provisions of Section 54-2c of the General Statutes, revised for 1975, shall be deemed an infraction and payable by mail under the provisions of Section 2 of this Act. Section 14-314 of the General Statutes is repealed and the following is substituted in lieu thereof. Any person, firm or corporation failing to comply with any order made pursuant to any provision of this chapter shall be fined not more than \$100.00 or imprisoned not more than thirty days or both and shall be subject to the provisions of Section 14-111.

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Any person, firm or corporation failing to comply with any traffic control signals, sign, marking or other device placed and maintained upon the highway or within a regulation adopted pursuant to any provision of this Chapter by the State Traffic Commission or the Traffic Authority of any City, Town or Borough, shall be deemed to have committed an infraction if no other penalty is provided by law. Re-number the remaining sections accordingly.

THE CHAIR:

Senator Barry.

SENATOR BARRY:

Mr. President, I move adoption of this Amendment. Very simply, it really does only two things. It means that prior violations of bureau offenses can still be handled as violation bureau offenses and payment can be made by mail. And secondly, that certain State Traffic Commission regulations are not criminal in nature but are infractions. These would be one way street signs, yield signs, that type of thing. I move adoption of the Amendment.

THE CHAIR:

Would you like to remark further? The question is on the adoption of Senate D. All in favor please signify by saying aye. Those who are opposed say nay. The ayes have it. D is adopted.

THE CLERK:

This is Senate Amendment E. It's ICO No. is 9743.

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SENATOR BARRY:

Mr. President.

THE CHAIR:

Senator Barry.

SENATOR BARRY:

I move a waiving of the reading of the Amendment. Mr. President, this does have some substantive meaning and it pertains strictly to speeding. What it does is it eliminates from the law, the charge of speeding for any violation under 55 Miles Per Hour. It becomes an infraction in all cases under 55 and the defense of reasonableness is still available. From 55 to 70, on a multiple lane highway and from 55 to 60 on any secondary road, there is no longer any defense of reasonableness and a charge of speeding is no longer. It is also an infraction under this Amendment.

Over 60 on a secondary road and over 70 on a multiple lane highway is speeding and the right to a trial on a charge of speeding is, of course, maintained. I think this is a good Amendment and I urge adoption.

THE CHAIR:

Will you remark further? Senator Julianelle.

SENATOR JULIANELLE:

Mr. President, an inquiry through you, to Senator Barry. Senator Barry, could you tell me what House Amendment A and what House Amendment B to this Bill, provided for?

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SENATOR BARRY:

Mr. President, through you, House Amendment - I have both House Amendments here. I don't know which one is A and which one is B, but one of them reduces the maximum speed limit in the State of Connecticut to 55 Miles Per Hour. And the other one simply changes the effective date of this Act from October 1, 1975 to November 1, 1975 which was done at the request of the Judicial Department.

SENATOR JULIANELLE:

Mr. President.

THE CHAIR:

Senator Julianelle.

SENATOR JULIANELLE:

Another inquiry of Senator Barry. In the event that the House Amendment which reduces the mandatory maximum speed limit on speeding charges to 55 Miles an hour is rejected, then we do not need this Amendment which is LCO No. 9743. Is that correct?

SENATOR BARRY:

In the event that you reject Senate A? Is that your question?

SENATOR JULIANELLE:

Whichever House Amendment was that reduced the maximum speed to 55. Am I correct in saying that if that Amendment is rejected, then this Amendment becomes superfluous?

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SENATOR BARRY:

I believe that the Senator is correct, Mr. President.

SENATOR JULIANELLE:

Then, Mr. President, through you, to Senator Barry, might I ask that he pass this Amendment because I intend to make a Motion to reject that House Amendment and we go to a vote on that before we take up this Amendment. I don't know what letter that House Amendment is though.

SENATOR BARRY:

I might ask that - Mr. President - I'd say to the Clerk that the Amendment that Senator Julianelle is concerned with is ICO No. 9186. I don't know whether that's A or B.

SENATOR CUTILLO:

Mr. President, if I may. May we have a copy of the Amendment. Maybe if there is one available there.

THE CHAIR:

Would you say that again, Senator.

SENATOR CUTILLO:

I would like to have a copy of that particular Amendment. Just to look at it, if I may.

THE CHAIR:

You mean the House Amendment?

SENATOR CUTILLO:

Yes, please.

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THE CHAIR:

Will you approach the Clerk's desk, Senator?

SENATOR BARRY:

Mr. President, I wonder if the Senate might stand at ease for about a minute?

THE CHAIR:

The Senate will stand at ease momentarily. Senator Barry.

SENATOR BARRY:

Mr. President, I believe there is a Motion -

THE CHAIR:

There is a Motion on the floor which is Senate Amendment, Schedule E.

SENATOR BARRY:

In answer to Senator Julianelle's question, Mr. President, and the Clerk can correct me if I'm wrong, I think House Amendment B is ICO No. 9186. I've completed my remarks on Schedule E.

THE CHAIR:

Well now, the question is on the adoption of Senate Amendment, Schedule E. Will you remark further? If not, all in favor please signify by saying aye. Those who are opposed will say no. The ayes have it. Amendment E is adopted. Now, let's get back to business. Not only the ladies and gentlemen of the Circle, but those who are guests of this Chamber will recognize the seriousness of the business and not detract from the decorum of the Senate. Senator Julianelle.

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SENATOR JULIANELLE:

Mr. President, a parliamentary inquiry. Is it LCO No. 9186 that is the House Amendment which changed the mandatory speed limit to 55 miles an hour?

THE CLERK:

The Clerk has the House Amendment. I think it would be helpful if I read it. House Amendment Schedule B is 9186. In Line 130, place an opening bracket before "4" and a closing bracket after "more" and insert in lieu thereof "as defined in Section 14-219a". In Line 132, before the comma, insert an open bracket and a closing bracket after "not" and insert "or". In Line 133 put an opening bracket before "than" and a closing bracket after "occupant". In Line 135, place opening and closing brackets around the word "seventy" and insert in lieu thereof, "fifty five". In 136, place an opening bracket before the word "a" and in 146, place a closing bracket after the word "highway" and insert "any highway, road or parking area in the State".

THE CHAIR:

Senator Julianelle.

SENATOR JULIANELLE:

Mr. President, I move rejection of that Amendment.

THE CHAIR:

Rejection has been moved on House Amendment Schedule B. Are there remarks to be made on this, Senator Julianelle?

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SENATOR JULIANELLE:

Yes, Mr. President, there are. It seems to me that this Amendment was put in merely for administrative convenience. It was put in on a Bill where it did not belong. It was put in on a Bill for infractions. And all of a sudden we come up with something that drastically changes the speeding laws of the State of Connecticut without a hearing. And, again, I say for administrative convenience only. We have laws on the books right now that provide for posted speed limits. We have adequate scientific and other methods by the police departments to make the determination as to whether or not there is, in fact, a speeding violation.

The present law provides for speeding violations in excess of 70 miles an hour on limited access highways and in excess of 60 miles an hour on non-limited access highways. There is a rule of reason that is built into the statute with respect to other violations that are supposed to be speeding. That is, the statute provides that the Court must take into consideration the reasonableness, the width of the highway, the weather conditions and other cars that are on that highway.

I think that there was a reason and a purpose for this, especially in the day of limited access highways, modern roads and higher powered cars. Connecticut is not like other States. The speeding violation in Connecticut has, through the years, taken on a greater sanction, than it has in most States, both by way of punishment and by way of psychology and also economically, in that our fine is substantially higher.

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than most other States. We fine up to \$100.00. Insurance rates are greatly affected by speeding violations, no matter what the Court or administrative procedures are. If we pass this Bill, we're going to be casting a great burden on the people who can again least afford to pay. The family man who's driving his car which may have more horsepower than it's supposed to have, but nevertheless does in today's day and age, on highways that are built to take greater speeds than may be safe to do, but nevertheless are, will be hauled into Court or even if he doesn't go to Court, will be subject to a fine up to \$100.00 because he's got a speeding infraction or violation, no matter what you want to call it. Who's insurance company will take note of this and it will cost him more money. And I think as a result of all these things if this House Amendment is sustained, what we're going to do is clog the Courts again and put it right back in the same situation that we were in a few years ago which we recently remedied. I think that there is adequate machinery to take care of speeding violations as is evidenced by what's been happening the past few weeks in Connecticut as a result of the Governor's directive and the State Police action.

I urge that we reject this House Amendment because I think it's unneeded, unwanted and unnecessary.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

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I rise to associate myself with the comments made by Senator Julianelle. I think - and I urge rejection of the Amendment. I want to say that as Senator Julianelle and I were both concerned, and I'm sure all of us in the Senate are concerned with excessive speed but by passing these various administrative regulations, we're taking away discretion from the Courts. And, although it's a good idea in many spheres of the law to have more of it done through the violation's bureau and so forth, this is something that Judges have exercised their discretion on and have always exercised their discretion on very, very wisely. As Senator Julianelle has pointed out, a great deal of hardship can be worked on people with loss of licenses where there are extremely extenuating circumstances and it will seriously affect those who can least afford to suffer this and, for this reason, I ask that we reject the Amendment. Thank you.

SENATOR SCHWARTZ:

Mr. President.

THE CHAIR:

Senator Schwartz.

SENATOR SCHWARTZ:

Mr. President, a question to either Senator Julianelle or Senator Barry. How does Senate Amendment, Schedule A relate to House Amendment, Schedule B and have we accomplished the problems that House B poses to us with the adoption of Senate E?

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SENATOR JULIANELLE:

I don't believe that we have. We do have a provision built in here which talks about violations, convictions of a second or subsequent violation which says that there should not be an automatic suspension. However, we do not take care of either the administrative problem within the Department of Motor Vehicles. We don't take care of the fine problem and we do not take care of the insurance company problem. These are all very serious sanctions because it is still a speeding charge and we still do have adequate methods right now to enforce the present speeding laws on the books. There is no need to make such a radical change at this time.

THE CHAIR:

Senator Schwartz.

SENATOR SCHWARTZ:

If Senator Barry, through you Mr. President, could give me his idea as House B and Senate E relate and if we have already taken care of the problem, I would appreciate that.

SENATOR BARRY:

Mr. President.

THE CHAIR:

Senator Barry.

SENATOR BARRY:

If the Senator is referring to House B and Senate E, I think it is, the last Amendment that we passed here, you have to think of them as

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being in succession, Senator Julianelle is right that if we didn't have House B, we wouldn't need Senate E. Now, what House B does is reduce the maximum speed limit in the State of Connecticut from 70 miles per hour to 55 miles an hour. And while I'm up, I want to strongly support House Amendment B and oppose the Motion to reject it.

I think we've heard a lot about inconveniencing people going to court and about the people who least can afford it are the ones that are going to have to pay. The only inconvenience there's going to be here are the people who persist on going fast on the highway. But aside from all the arguments on safety, I think whatever objections most people would have to reducing the speed limit to 55 are cured by Senate Amendment E and that is particular, in two respects. Number one, that what we know today as speeding violations under 55 miles an hour or what could be a speeding violation is under this Amendment simply an infraction. On secondary roads, under 60 miles an hour are infractions. Under 70 miles an hour on limited access highways are infractions. Now, this Amendment says that if the violation consists of the operation of a car greater than 55 miles per hour, but not greater than 70 on a multiple lane highway, the fine not exceeding \$100.00 as is established by the Court, can be paid by mail. And only for a second - where a second or a subsequent violation

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of this Section occurs, unless such conviction and prior conviction was for operating a vehicle at a rate greater than 55, but not in excess of 70 on a limited access highway, the Motor Vehicle Commissioner can suspend. Now, I think the two are - the second one is essential if we leave House Amendment A in the law. And it would seem to me that it is appropriate from the results of the imposition of the 55 mile per hour maximum around the country. It would be appropriate to incorporate that into our law but not to make it so severe that everyone who violates it has to come into Court. And that's the reason for Senate Amendment E so that at least the - whether it's under 70 or over 70 for a first offense, can be paid by mail.

THE CHAIR:

Senator Ciarlone.

SENATOR CIARLONE:

Thank you, Mr. President, I rise to oppose this Amendment and associate myself with the remarks of Senator Julianelle. Further, I feel that having an Amendment of this nature before us here at five after five on closing day is a complete disservice to our State of Connecticut. This Amendment has many far reaching ramifications for many of our people and I think if we were to adopt this Amendment, it would be very, very costly for many of our people. It has been said here today that this Bill would affect many of those people who can least afford to pay and I think this is very, very true. What happens

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too many times when some of our people do lose their license because mandatory suspension is here in this Amendment. It causes many people to not be able to make a living and perhaps - I just want to make sure I have this clear in my mind - through you, Mr. President, I would like to ask Senator Julianelle if suspension is mandatory on a second violation.

THE CHAIR:

Would you care to respond, Senator?

SENATOR JULIANELLE:

Yes, Mr. President, I would. As I read this, it would be and the problem that you run into is that it looks as though they're making speeding a lesser offense than it actually is but the fact is that whether you call it an infraction or not, and if you develop a psychology of paying for speeding fines through the mail, what's going to happen is that you're going to get the poor Joe Blow who's gone 61 miles an hour and it's his second offense and he pays through the mail and thinks that it's nothing but an infraction and then finds out that Motor Vehicle can suspend him because he has violated the mandatory level here, if it's on a non-limited access highway. And I think that that's a very poor psychology and it's going to trap a lot of people when there are adequate devices on the books now. Mr. President, lest I forget, when the vote is taken, I'd like it taken by roll call.

SENATOR CIARLONE:

Thank you very much, Mr. President. It answered my question. I would urge all the members of the Circle to oppose the Amendment.

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THE CHAIR:

Senator.

SENATOR FAULISO:

I've been trying to find out exactly what the Amendment was that the House passed. Originally, when this was discussed in the Governor's office and I'd like to share this with other Members of the Circle because I think it's very important to tell this thing as it is because at one time, I also had the fears that some people raised here today. I always believe that people who drive on a highway are governed by reasonable speed. We changed that. We did establish speed limits. There were modifications of this now on our books, at least I think there is some discretion. People who are caught for speeding, unless the Judge finds within his discretion that there should be suspension, he may exercise that discretion. When this was discussed some time ago, there was the discussion centered about making an absolute speed limit of 55 miles per hour. However, in no way were we to disturb the discretions that repose within the Judge's province.

Now, the Amendment that has been passed by the House really has made this chaotic. It is not the same concept that I embraced and that I was willing to support. This certainly gives no efficacy or strength to the original concept. Now, the energy crisis made a believer out of me, Mr. President. I do know that during that period of

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time, people were conscious of several things; that they couldn't get gas and that the police were watching the speeders and that the speed limits were meaningful and fatalities did decrease and there was a decline in the fatalities. That to me, means something. Speed is a factor in the highway deaths. There is no question about it. I can't accept, like many of the people here today, with all due respect to Senator Barry, who has the burden of presenting his case. I can't accept the Amendment of the House which I think is a complete departure from the original concept which was conceived by the Governor and which I thought was good also because anything that will decrease fatalities on the highways, is certainly worthy of our support. I think what has been offered in the House only complicates this. I think it takes away, I believe, the discretion, no matter how you slice this, calling this as an infraction and then treating it as an absolute, just doesn't make sense to me.

THE CHAIR:

Senator Hennessey.

SENATOR HENNESSEY:

Thank you, Mr. President. Just briefly, the Transportation Committee of the General Assembly felt very strongly that we should pass a Bill of this nature and it got somehow confused and this is why it's here at this late date. There was unanimous support in Committee for this and I hope this passes.

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THE CHAIR:

Senator Barry.

SENATOR BARRY:

Mr. President, I just want to clear up on thing. Perhaps - I think it was Senator Ciarlone that asked the question of Senator Julianelle and the question was - does this mean that if somebody on a second offense of speeding is convicted or sends his fine in, is it an automatic suspension and I think that my good friend, Senator Julianelle said that as he read it, that it did. As I read it, it does not and I want this to be clear on the record in the event that the Bill passes with these Amendments.

What Senate Amendment, Schedule E says is that if there is a second offense, the Motor Vehicle Commissioner must suspend only if the prior conviction or a prior conviction for speeding was of the nature where the party was going above 70 on a multiple lane highway or 60 on a secondary road. So that if he was convicted of going, for example, 65 on a multiple lane highway, it would not mandate a suspension.

THE CHAIR:

Senator Julianelle.

SENATOR JULIANELLE:

Mr. President, that's precisely part of my point. What they're doing is is trying to turn it into an infraction and allow payment by

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mail and if the man is going 56 miles an hour, he's not going to loose his license, but if he pays by mail and he's going 61 miles an hour and it's a second offense, he will be guilty of speeding and it says shall loose his license in this Amendment. And I think that there's going to be a lot of enticement here, not intentionally, but accidently and people are going to be harmed by it economically.

THE CHAIR:

Senator Guidera.

SENATOR GUIDERA:

Mr. President, I'll be brief because it's been discussed very well. I rise to associate myself with the remarks of Senator Julianelle and others. I think that Senator Owens mentioned something that needs to be reiterated again and that is, under the laws of the State of Connecticut, with respect to speeding, we have always had the test of reasonableness because the facts are different in each case. One speeder at 3:00 in the morning on a turnpike where there is nobody present. There are dry conditions. Another one is going 95 with wet conditions at the height of the rush hour. And Courts and Judges take these things into consideration. They look at back records. They look at the general driving record of the individual. Mr. President, this takes away from the Courts any discretion. In fact, one thing it does do also, in the opposite direction, is it keeps those who do speed out of the Courts, lets them rest assured on the idea, they think, that they can pay a fine and get out of this thing. And then they, on the

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second offense, wake up and find out their license is lifted. They're in big and serious trouble and they're out of a job probably because they can't drive a car. This is not good Legislation because it locks in too much the Judges, the Court system of this State and there's no reason to single out speeding for this kind of mandatory Legislation then there is to single out murder or any other crime. Mr. President, I think it's wrong. I will always oppose Legislation which locks in decisions of Judges and Motor Vehicle Departments and other elected or appointive State officials.

THE CHAIR:

Question is on the rejection of House Amendment, Schedule B.
Senator Julianelle.

SENATOR JULIANELLE:

Mr. President, I did move a roll call vote and I would appreciate it when the Chamber is assembled, I believe that a yes vote is a vote to reject that House Amendment, LCO No. 9186. Is that correct?

THE CHAIR:

I couldn't have said it better myself, Senator.

SENATOR JULIANELLE:

Thank you.

THE CHAIR:

Any further remarks? Will the Clerk please announce an immediate roll call in the Senate?

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THE CLERK:

An immediate roll call in the Senate. Would all Senators please return to the Chamber. An immediate roll call in the Senate. Would all Senators please return to the Chamber.

THE CHAIR:

To restate the pending action, ladies and gentlemen of the Circle, the Motion is to reject House Amendment, Schedule B. If you vote yes, you vote to reject. Are the Senators ready to vote? The machine is open. Please cast your vote. The machine is closed and locked.

TOTAL VOTING	35
NECESSARY FOR PASSAGE	18
YEA TOTAL	29
NAY TOTAL	6

House B is rejected. Now on the Bill. Senator Barry.

SENATOR BARRY:

Mr. President, I would move for reconsideration of Senate Amendment, Schedule E, in view of the rejection of House Amendment, Schedule A. B rather.

THE CHAIR:

Reconsideration has been moved on the Senate Amendment, Schedule E. Are there further remarks? If not, all in favor of reconsideration signify by saying aye. Those who oppose will say nay. The ayes have

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it the matter will be reconsidered.

SENATOR BARRY:

Mr. President.

THE CHAIR:

Senator Barry.

SENATOR BARRY:

I'd move passage of the Bill and if there is no objection, referral to the Consent Calendar. I'm sorry. We have to reject - I move that we reject Senate Amendment, Schedule E.

THE CHAIR:

You have heard the Motion to reject Senate E. If there are no further remarks, all in favor please signify by saying aye. Those who are opposed nay. The ayes have it. E is rejected. Now, Senator.

SENATOR BARRY:

Mr. President, I move passage of the Bill as amended and if there is no objection, referral to the Consent Calendar.

SENATOR JULIANELLE:

Mr. President, there is objection. I would like a roll call because I intend to move reconsideration after the Bill is passed.

THE CHAIR:

Will the Clerk please announce a roll call vote in the Senate?

THE CLERK:

An immediate roll call will be taken in the Senate. Would all Senators please return to the Chamber. An immediate roll call in the Senate. Would all Senators please return to the Chamber. For the

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record, this is on House Bill 8330 which is amended by House A and Senate A, B, C and D.

THE CHAIR:

The machine is open. Will the Senators please cast their votes. Senator Baker, do you care to vote? And Senator Hudson. The machine is closed and locked. Please tally the vote.

TOTAL VOTING	34
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NECESSARY FOR PASSAGE	18
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YEA TOTAL	33
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NAY TOTAL	1
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The Bill, as amended, is adopted. Senator Julianelle.

SENATOR LIEBERMAN:

Mr. President.

THE CHAIR:

Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, we had previously marked a Bill passed temporarily which I believe Senator Ciccarello wishes to raise at this time, Calendar - it's actually the next PT on our Calendar, on page three, Calendar - I'm sorry, Calendar 1207.

THE CLERK:

On page three of your Calendar, Calendar No. 1207, File No. 1140, Favorable Report, Joint Standing Committee on Appropriations, Substitute