



House of Representatives

General Assembly

File No. 501

January Session, 2009

Substitute House Bill No. 5495

House of Representatives, April 6, 2009

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING FAIR ADVERTISING FOR CONNECTICUT FARM WINERIES.

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

1 Section 1. Section 13a-124a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective from passage*):

3 (a) As used in this section, "specific information sign" means a
4 rectangular sign with the word GAS, FOOD, LODGING, FARM
5 WINERY or CAMPING and exit directional information pertaining to
6 the designated motorist service placed at the top of the sign and upon
7 which is mounted separately attached business signs showing the
8 brand, symbol, trademark or name, or any combination of these, for
9 the designated service available on a crossroad at or near an
10 interchange or intersection. For purposes of this section "FARM
11 WINERY" means a farm winery granted a permit by the Commissioner
12 of Consumer Protection pursuant to section 30-16.

13 (b) The Commissioner of Transportation may issue permits for the

14 erection and maintenance of specific information signs and business
 15 signs within the rights-of-way of any portion of a state-maintained
 16 limited access highway, except a parkway. The commissioner shall not
 17 issue any such permit to any person or company until such person or
 18 company files with the commissioner a bond or recognizance to the
 19 state, satisfactory to the commissioner and in such amount as the
 20 commissioner determines, subject to forfeiture upon failure to comply
 21 with (1) the requirements of this section, (2) regulations adopted
 22 pursuant to this section, or (3) any orders of the commissioner relating
 23 to the erection and maintenance of specific information signs and
 24 business signs. Any such bond or recognizance shall remain in full
 25 force and effect as long as such person or company is subject to any
 26 such requirements, regulations or orders as provided in this section.

27 (c) Any person or company issued a permit in accordance with
 28 subsection (b) of this section shall be reimbursed, by subsequent
 29 permittees on the same sign, the costs associated with said sign
 30 divided by the number of other permittees on said sign.

31 (d) The commissioner shall adopt regulations in accordance with
 32 chapter 54 to carry out the purposes of this section. Such regulations
 33 shall include, but not be limited to, establishment of (1) fees for the
 34 permits issued under subsection (b) of this section, (2) reimbursements
 35 issued pursuant to subsection (c) of this section, and (3) standards for
 36 the location, size and maintenance of specific information signs and
 37 business signs.

38 Sec. 2. (NEW) (*Effective from passage*) The Commissioners of
 39 Transportation and Agriculture shall grant access to a holder of a farm
 40 winery permit issued pursuant to section 30-16 of the general statutes
 41 to any vineyard or winery signage program promoting the existence
 42 and location of farm wineries administered by said commissioners.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	13a-124a

Sec. 2	<i>from passage</i>	New section
--------	---------------------	-------------

ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Transportation, Dept.	TF - See Below	See Below	See Below

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

The bill requires the Department of Transportation to post Logo signs that advertise farm wineries on all expressways. The cost to the Department of Transportation is between \$17,000 and \$20,000 (materials and contractor labor) to purchase and install each sign. If the state chose to install 10 signs, the cost would be between \$170,000 and \$200,000.

Up to six businesses located in closest proximity to the sign can have their logos placed on the sign. Applications cost \$1,500 and are paid by each business. There is a revenue gain to the Transportation Fund from farms and agricultural businesses applying to have their logos placed on expressways Logo signs. If 10 farm wine businesses submitted applications in one fiscal year, the revenue gain to the Transportation Fund would be \$15,000.

The Out Years

The future fiscal impact would be dependent on the number of signs purchased and installed.

OLR Bill Analysis**sHB 5495*****AN ACT CONCERNING FAIR ADVERTISING FOR CONNECTICUT FARM WINERIES.*****SUMMARY:**

This bill adds “Farm Winery” as a category that may be listed on a highway “specific information sign,” which under current law include information on gas, food, and lodging business. It defines a “farm winery” as a winery having a permit that the Department of Consumer Protection (DCP) commissioner granted.

The bill allows the Department of Transportation (DOT) commissioner to treat people applying for a sign indicating “Farm Winery” in the same way as other specific information sign owners. This means commissioner may issue a permit to erect the sign, but must receive either a bond or recognizance in an amount the commissioner specifies. Like other specific information sign permittees, farm winery permittees must be reimbursed by subsequent permittees on the same sign.

The bill also requires the DOT and agriculture commissioners to allow any farm winery permit holder to participate in any vineyard or winery signage program that the commissioners administer and that promotes the existence and location of farm wineries.

EFFECTIVE DATE: Upon passage

BACKGROUND***Farm Winery Permits***

By law, the DCP commissioner may grant a permit for a farm winery (a manufacturer permit that allows for making, bottling, storing, and selling wine and brandies distilled from grape and other

fruit products). A permittee must produce on the premises or on property adjacent to and under the permittee's ownership and control an average crop of fruit equal to not less than 25% of the fruit used in the manufacture of the permittee's wine (CGS § 30-16(e)(5)).

Farm Winery Signs

The Department of Agriculture has a signage program for wineries. The Department of Transportation also administers a separate sign program with the Connecticut Vineyard Winery Association (CVWA), which apparently is only for CVWA members.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 31 Nay 0 (03/18/2009)