



Senate

General Assembly

File No. 643

January Session, 2003

Substitute Senate Bill No. 851

Senate, May 6, 2003

The Committee on Finance, Revenue and Bonding reported through SEN. DAILY of the 33rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE OPERATION OF ALL-TERRAIN VEHICLES.

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

1 Section 1. Section 14-380 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

3 On or after October 1, 1971, no person shall operate and no owner
4 shall permit the operation of any snowmobile or all-terrain vehicle
5 unless the owner holds a valid, effective registration awarded by this
6 state or by another state or by the United States, provided such state or
7 district of registration grants substantially similar privileges for
8 snowmobiles or all-terrain vehicles owned by residents of this state
9 and registered under its laws, and unless the identification number set
10 forth in such registration is displayed on such snowmobile or all-
11 terrain vehicle as prescribed in section 14-381, as amended by this act,
12 provided every resident of this state shall obtain such registration from

13 this state under the provisions of section 14-381, as amended by this
14 act, before such operation shall be lawful. The provisions of this
15 section shall not apply (1) to the operation of a snowmobile [or all-
16 terrain vehicle] on premises owned or leased by the owner of such
17 snowmobile, [or all-terrain vehicle] or (2) to the operation of a
18 snowmobile or all-terrain vehicle in any organized contest as long as
19 such snowmobile or all-terrain vehicle is operated in the contest area,
20 provided the owner of such snowmobile or all-terrain vehicle holds a
21 valid, effective registration awarded by this state or by another state or
22 the United States.

23 Sec. 2. Section 14-381 of the general statutes is repealed and the
24 following is substituted in lieu thereof (*Effective July 1, 2003*):

25 Any owner required to register a snowmobile or all-terrain vehicle
26 shall apply to the commissioner and shall file evidence of ownership
27 by affidavit or document. Upon receipt of an application in proper
28 form and the registration fee, the commissioner shall assign an
29 identification number and provide the owner with a certificate of
30 registration and registration plate. The registration plate, which shall
31 be affixed by the owner, shall be displayed on the snowmobile or all-
32 terrain vehicle at a place and in a manner prescribed by the
33 commissioner. In addition to such registration plate, each snowmobile
34 and all-terrain vehicle so registered shall display its registration
35 number on each side of its front section, midway between the top and
36 bottom of said front section, in letters or numbers at least three inches
37 in height and made of a reflective material. The certificate of
38 registration shall be carried on such snowmobile or all-terrain vehicle
39 and shall be available for inspection whenever such snowmobile or all-
40 terrain vehicle is being operated. The owner shall pay a fee of twelve
41 dollars, and on and after July 1, [1992, fourteen] 2003, thirty dollars for
42 each snowmobile or all-terrain vehicle so registered. Each such
43 certificate of registration shall expire biennially on the last day of
44 March.

45 Sec. 3. Section 14-383 of the general statutes is repealed and the

46 following is substituted in lieu thereof (*Effective July 1, 2003*):

47 Each snowmobile dealer or all-terrain vehicle dealer, as defined by
48 section 14-379, shall register with the commissioner who shall assign a
49 distinguishing number and issue three registration plates bearing the
50 number assigned to such dealer. The fee for such registration shall be
51 fifteen dollars, and on and after July 1, 1992, eighteen dollars. A
52 registration plate shall be attached to each snowmobile or all-terrain
53 vehicle, which may be used only for the purposes of demonstration or
54 sale. On and after July 1, 2003, all dealers of new or used snowmobiles
55 or all-terrain vehicles shall provide information on registration
56 requirements, laws, regulations and certification requirements to all
57 persons who purchase such vehicles.

58 Sec. 4. Section 22a-27h of the general statutes is amended by adding
59 subsection (d) as follows (*Effective July 1, 2003*):

60 (NEW) (d) There is established an account, within the Conservation
61 Fund, to be known as the all-terrain vehicle account. One-half of all
62 revenue received by the state from fees for the numbering and
63 registration of all-terrain vehicles shall be paid to the Treasurer and
64 shall be deposited in the Conservation Fund and credited to the all-
65 terrain vehicle account. Any funds remaining in the all-terrain vehicle
66 account at the end of any fiscal year shall be carried forward in the
67 account for the succeeding fiscal year. The all-terrain vehicle account
68 shall be used for the following purposes: (1) All expenses incurred by
69 the Commissioner of Motor Vehicles and the Commissioner of
70 Environmental Protection in the administration and enforcement of the
71 laws and regulations of the state respecting all-terrain operation and
72 damage from all-terrain vehicles; (2) expenditures for all-terrain
73 vehicle safety, education, patrols, enforcement and training programs
74 and the planning, design, acquisition, construction, maintenance and
75 improvement of recreational facilities related to all-terrain vehicles; (3)
76 any revenues remaining after payment of those costs described in
77 subdivisions (1) and (2) of this subsection may be allocated by the
78 Commissioner of Environmental Protection for use by organizations

79 that engage in all-terrain vehicle safety education and the planning,
80 design, construction, maintenance and improvement of all-terrain
81 vehicle facilities; and (4) the Commissioner of Environmental
82 Protection may use the funds in the all-terrain vehicle account to
83 supplement projects that qualify for grants under the National
84 Recreational Trails Program. Any organization desiring to obtain
85 funds from the all-terrain vehicle account for purposes of subdivision
86 (3) of this subsection shall apply to the Commissioner of
87 Environmental Protection upon forms as the commissioner may
88 prescribe. The commissioner may approve payment to any
89 organization, in amounts not exceeding five thousand dollars per year,
90 provided such organization has provided the commissioner with
91 sufficient evidence that the proposed use of such funds is: (A) In
92 accordance with the provisions of this subsection; (B) not in conflict
93 with any program planned or undertaken by any state agency; (C)
94 needed for the safety or convenience of all-terrain vehicle users and the
95 general public; and (D) approved by the legislative body of such
96 organization. The commissioner shall, not later than December first of
97 each year, submit to the Comptroller a fiscal report that includes a
98 statement of all revenues received by and expenditures made from the
99 all-terrain vehicle account during said fiscal year.

100 Sec. 5. Section 14-387 of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective July 1, 2003*):

102 No person shall operate a snowmobile or all-terrain vehicle in the
103 following manner: (1) On any public highway, except such
104 snowmobile or all-terrain vehicle, if operated by a licensed motor
105 vehicle operator, may cross a public highway if the crossing is made at
106 an angle of approximately ninety degrees to the direction of the
107 highway and at a location where no obstruction prevents a quick and
108 safe crossing, the snowmobile or all-terrain vehicle is completely
109 stopped before entering the traveled portion of the highway and the
110 driver yields the right-of-way to motor vehicles using the highway,
111 provided nothing in this subsection shall be construed to permit the
112 operation of a snowmobile or all-terrain vehicle on a limited access

113 highway, as defined in subsection (a) of section 13a-1; (2) in such a
114 manner that the exhaust of the snowmobile or all-terrain vehicle makes
115 an excessive or unusual noise; (3) without a functioning muffler,
116 subject to the provisions of section 14-80, properly operating brakes,
117 sufficient and adequate front and rear lighting and reflecting devices,
118 except an all-terrain vehicle with an engine size of ninety cubic
119 centimeters or less shall not be required to be equipped with front and
120 rear lighting and shall not be operated after dark; (4) in any manner
121 which would cause harassment of any [game] wildlife, as defined in
122 section 26-304 or domestic animal or that would affect endangered or
123 threatened species or species of special concern or essential habitats of
124 such endangered or threatened species, as defined in section 26-304; (5)
125 on any [fenced agricultural land or posted] land without the written
126 permission of the owner, or the agent of the owner, or in the case of
127 state-owned land, without the written permission of the state agency
128 or institution under whose control such land is, or in the case of land
129 under the jurisdiction of a local municipality without the written
130 permission of such municipality; and (6) on any railroad right-of-way.
131 Nothing in sections 14-379 to 14-390, inclusive, shall preclude the
132 operation of a snowmobile or all-terrain vehicle (A) on the frozen
133 surface of any public body of water, provided any municipality may
134 by ordinance regulate the hours of operation of snowmobiles and all-
135 terrain vehicles on public waters within such municipality and
136 provided the operation of a snowmobile or all-terrain vehicle shall be
137 subject to the provisions of section 25-43c; or (B) on any abandoned or
138 disused railroad right-of-way, except where such right-of-way is
139 designated as a trail or greenway for nonmotorized recreation, or in
140 any place or upon any land specifically designated for the operation of
141 snowmobiles and all-terrain vehicles by statute, regulation or local
142 ordinance. Any person who violates any provision of this section shall
143 have committed a separate infraction for each such violation.

144 Sec. 6. Section 23-26b of the general statutes is repealed and the
145 following is substituted in lieu thereof (*Effective July 1, 2003*):

146 (a) No person shall operate and no owner of an all-terrain vehicle

147 shall permit operation of an all-terrain vehicle on [state land] lands
148 owned or managed by the state and designated for all-terrain vehicle
149 use without first obtaining a safe all-terrain vehicle certificate from the
150 Commissioner of Environmental Protection or from another state,
151 pursuant to subsection (e) of this section, and unless such vehicle is
152 registered pursuant to section 14-380, as amended by this act. No safe
153 all-terrain vehicle certificate to operate an all-terrain vehicle on state
154 land [shall be issued to any person under eighteen years of age unless
155 such person has completed a safety education course for all-terrain
156 vehicles given pursuant to section 23-26d] shall be issued by the
157 commissioner to any applicant unless such applicant is twelve years of
158 age or older and provides proof of having successfully completed a
159 course in safe all-terrain vehicle operation approved by the
160 commissioner pursuant to section 23-26d or has successfully passed an
161 equivalency examination testing knowledge of safe all-terrain vehicle
162 operation as administered by the commissioner. Operators of all-
163 terrain vehicles must obtain a safe all-terrain certificate by the
164 following dates: (1) For operators who are twenty years of age or
165 younger, by October 1, 2003; (2) for operators who are twenty-one to
166 twenty-five years of age, by July 1, 2004; and (3) for operators who are
167 twenty-six years of age or older, by October 1, 2004. The fee for such
168 safe all-terrain vehicle certificate shall be established by the
169 commissioner pursuant to section 23-26f. Any certificate issued by the
170 commissioner pursuant to this section shall be valid for the life of the
171 person to whom such certificate is issued.

172 (b) The commissioner may require that any person operating an all-
173 terrain vehicle on state land (1) furnish proof of liability and property
174 damage insurance on the vehicle, and (2) agree to indemnify and hold
175 harmless the state of Connecticut against any and all suits, claims,
176 demands or judgments, including claims presented under the
177 provisions of chapter 53, that may be allowed against the state for
178 injury to any person as a result of the operation of an all-terrain vehicle
179 on state land.

180 (c) Any person issued a certificate to operate an all-terrain vehicle

181 pursuant to this section or who holds a safe all-terrain vehicle
182 certificate from another state, as described in subsection (e) of this
183 section, shall have such certificate on such vehicle at all times that the
184 person is operating the vehicle as well as the written permission
185 required under section 14-387, as amended by this act. On demand of
186 an officer authorized to enforce the provisions of this chapter, such
187 person shall present the certificate or written permission to the officer.

188 (d) Notwithstanding the provisions of this section, the
189 Commissioner of Environmental Protection may modify or suspend
190 requirements for a certificate to operate an all-terrain vehicle, by
191 written authorization, with respect to an all-terrain vehicle event
192 authorized by the commissioner.

193 (e) The commissioner may enter into a reciprocal agreement with
194 any state that issues a safe all-terrain vehicle certificate, provided the
195 certification program of such other state requires education and testing
196 substantially similar to the education and testing requirements
197 necessary to obtain a safe all-terrain vehicle certificate under
198 subsection (a) of this section. Such agreement shall permit persons
199 holding a valid, effective safe all-terrain certificate from such other
200 state to be in compliance with the requirements of subsection (a) of this
201 section.

202 Sec. 7. Section 23-26e of the general statutes is repealed and the
203 following is substituted in lieu thereof (*Effective July 1, 2003*):

204 No person less than twelve years of age shall operate an all-terrain
205 vehicle on [state land] lands owned or managed by the state. A person
206 between twelve and sixteen years of age may operate an all-terrain
207 vehicle on [state land] lands owned or managed by the state and
208 designated for use by all-terrain vehicles provided such person has
209 obtained a safe all-terrain vehicle certificate pursuant to section 23-26b,
210 as amended by this act, and is supervised by a person eighteen years of
211 age or older who has completed a safety education course given
212 pursuant to section 23-26d. No person less than twelve years of age
213 may ride as a passenger on an all-terrain vehicle on lands owned or

214 managed by the state and designated for use by all-terrain vehicles
 215 with any operator who is less than eighteen years of age. Any person
 216 sixteen years of age or younger who operates an all-terrain vehicle or is
 217 a passenger on an all-terrain vehicle on lands owned or managed by
 218 the state and designated for use by all-terrain vehicles shall wear a
 219 helmet.

This act shall take effect as follows:	
Section 1	July 1, 2003
Sec. 2	July 1, 2003
Sec. 3	July 1, 2003
Sec. 4	July 1, 2003
Sec. 5	July 1, 2003
Sec. 6	July 1, 2003
Sec. 7	July 1, 2003

ENV Joint Favorable Subst. C/R

FIN

FIN 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-Type	FY 04 \$	FY 05 \$
Motor Vehicle Dept.	TF - Revenue Gain/Cost	See Below	See Below
Department of Environmental Protection	ATV Account/ Conservation Fund - Revenue Gain/Cost	See Below	See Below
Judicial Dept.	GF/TF - Revenue Gain	Minimal	Minimal

Note: TF=Transportation Fund

Municipal Impact:

Municipalities	Effect	FY 04 \$	FY 05 \$
Various Municipalities	Revenue Gain	Potential	Potential

Explanation

There are 2,550 ATVs registered with the Department of Motor Vehicles (DMV) which provide \$35,700 biennially in revenue to the Transportation Fund. It is estimated that the majority of these vehicles in the state do not currently register. The industry estimates that there may be as many as 65,000 ATVs in Connecticut. Assuming half of these vehicles would register, the Transportation Fund would incur a biennial revenue gain of \$451,800 and the Department of Environmental Protection’s (DEP) All Terrain Vehicles account of the Conservation Fund, created by this legislation, would incur a \$487,500 biennial revenue gain. Additional registrations are anticipated due to eliminating current exemptions in the registration law and the potential availability of recreational facilities and trails for ATV use. The funds deposited into the ATV account must be used for costs incurred by both the DEP and DMV in administration and enforcement of ATV laws and regulations, damage from ATVs, ATV

safety, education, patrols and training and planning, design, acquisition, construction and maintenance of ATV facilities. Other uses of the funds, including grants, are permitted if additional funds remain in the account.

The cost to DMV to be paid from the ATV account to register new ATVs is approximately \$7 per transaction. This includes costs for processing and issuance of the safety plates and registration stickers and associated other expenses. Assuming 29,950 new registrations, the increased costs for first time registrations would be \$209,650. Costs to renew the licenses would be approximately \$20,965 (70 cents per renewal) two years after the initial registration.

The revenue gain due to the establishment of a safe all terrain vehicle certificate needed to operate an ATV on state land is indeterminate at this time. The fee for the certificate will be established through regulation. Assuming the fee is similar to the safe boating certificate, \$25, and half of the registrants obtain one, the initial revenue gain will be approximately \$400,000 to the Conservation Fund. The certificates would be valid for the life of the person it is issued to.

Any revenue gain from the infractions established by the bill is anticipated to be minimal.

In addition, various municipalities could incur an increase in personal property tax revenue due to the registration of these vehicles with the DMV. The exact impact is unknown at this time.

OLR Bill Analysis

sSB 851

AN ACT CONCERNING THE OPERATION OF ALL-TERRAIN VEHICLES**SUMMARY:**

This bill requires registration of all all-terrain vehicles (ATVs), increases the registration fee for ATVs and snowmobiles, creates an ATV account within the Conservation Fund to fund ATV-related uses, restricts ATV and snowmobile use on state-owned and-managed lands, and requires written consent to operate ATVs on private property.

By law, the Department of Environmental Protection (DEP) commissioner must set aside certain state property for ATV use. The bill requires ATV operators to obtain a DEP safe ATV certificate to operate on state-owned or-managed land DEP designates for such use, and requires ATV operators to be at least 12 years old to obtain such certificates. It sets conditions for ATV use by minors and authorizes the commissioner to modify or suspend certificate requirements and enter into reciprocal certification agreements with other states. It requires that dealers of new and used snowmobiles and ATVs provide purchasers with information on ATV and snowmobile regulations and registration and certification requirements. It makes violation of certain of its provisions an infraction.

EFFECTIVE DATE: July 1, 2003

REGISTRATION REQUIREMENTS

Under current law, ATV owners need not register vehicles they operate on land they own or lease. The bill requires registration of all ATVs regardless of where they are operated. But, it exempts an ATV operator participating in an organized ATV contest and operating the vehicle in the contest area, if the ATV owner holds a valid registration.

REGISTRATION FEE

It increases the biennial registration fee for ATVs and snowmobiles from \$14 to \$30 as of July 1, 2003, and creates an ATV account within the DEP conservation fund into which the treasurer must deposit half the money received from the fees. Under current law, all money received from these fees goes to the Special Transportation Fund.

ATV ACCOUNT

Purpose of Account

Money in the account must be used to pay for (1) costs incurred by the commissioners of environmental protection and motor vehicles in administering and enforcing of ATV laws and regulations; (2) damage caused by ATVs; (3) ATV safety, education, patrol, enforcement, and training programs; and (4) planning, designing, acquiring, constructing, maintaining and improving of ATV-related recreational facilities.

Use of Remaining Funds

If any money remains after the above allocations are made, the environmental protection commissioner may (1) allocate it to organizations involved in ATV safety education and the planning, design, construction, maintenance, and improvement of ATV facilities, or (2) use it to supplement projects eligible for National Recreational Trails Program grants (see BACKGROUND).

The commissioner may allocate up to \$5,000 annually to each eligible ATV organization. An organization seeking funding from the commissioner must apply on a form he prescribes. It must demonstrate that (1) it will use the money according to the bill's requirements; (2) its legislative body has approved the use of the money; (3) the money is needed for the safety or convenience of ATV operators, riders, and the general public; and (4) use of the money does not conflict with any program planned or undertaken by any state agency. The commissioner must report to the comptroller annually by December 1 on the revenue received and expenditure made from the account in that fiscal year.

The commissioner must carry forward any funds remaining in the ATV account to the next fiscal year.

ATV OPERATION

By law, ATV operators must obtain a DEP certificate to operate an ATV on state land. The bill (1) specifies that this must be a safe ATV certificate, (2) requires such a certificate to operate on land the state manages, in addition to land the state owns, and (3) restricts ATV operation on state-owned or-managed lands to land the commissioner designates for ATV use. It extends these requirements and prohibitions to ATV owners. ATV operators and owners may comply with the safe ATV certificate provisions if they have such a certificate from a state with which DEP has a reciprocal agreement (see below).

General Restrictions on ATV Operation

Under current law, ATV and snowmobile operators must obtain the written permission of the owner of fenced agricultural land or posted land before operating on such property. The bill requires written consent to operate on any private land, and requires ATV operators to carry that written consent with them. Failure to do so is an infraction.

Current law prohibits ATV and snowmobile operators from operating the vehicles to harass any game or domestic animal. The bill expands these prohibitions. It bars them from operating in a way that harasses any wildlife, rather than only game animals, or in a way that would harm (1) endangered or threatened species, (2) species of special concern, or (3) the essential habitats of endangered or threatened species as defined by law (see BACKGROUND).

The bill bars ATV and snowmobile operation on an abandoned or unused railroad right of way designated as a trail or greenway for non-motorized recreation. By law, each failure to comply with these provisions is a separate infraction.

Operation by Minors on State Land Designated for ATV Use

By law, children under 12 years old cannot operate ATVs on state land. The bill also bars them from operating ATVs on land the state manages. Current law requires that children between ages 12 and 16 operate ATVs on state land only if they have a certificate and (2) are supervised by someone age 18 or older who has completed a safety education course according to law. The bill permits such children to operate ATVs on state-managed land, in addition to state-owned land designated for ATV use, but requires them to possess a safe ATV

certificate.

The bill prohibits anyone under age 12 from riding as an ATV passenger on state-owned or-managed land designated for ATV use unless the ATV operator is age 18 or older. It requires that children age 16 and younger wear helmets when either operating or riding as passengers on ATVs on such land.

Failure to comply with these provisions is an infraction.

Safe ATV Certificate

Current law bars the commissioner from issuing a certificate to anyone under age 18 unless he has completed an ATV safety education course. The bill authorizes the commissioner to issue a safe ATV certificate to anyone age 12 or older if he has (1) completed a course in safe ATV operation or (2) passed an equivalency test of safe ATV operation the commissioner administers. It requires the commissioner to set a fee for the certificate; requires ATV operators to obtain such certificates by certain dates, depending on their age; and makes the certificate valid for the holder's life.

An ATV operator must carry the certificate on his vehicle whenever he is operating it, in addition to the written permission the bill requires, and must present the certificate or permission to a law enforcement officer at his request.

ATV operators must obtain safety certificates by the following dates: (1) those age 20 or younger, by October 1, 2003; (2) those 21 to 25 years old, by July 1, 2004; and (3) those age 26 and older, by October 1, 2004. Failure to comply with these provisions is an infraction.

The bill authorizes the commissioner to modify or suspend certificate requirements in connection with an ATV event he authorizes. He must do so in writing.

It authorizes the commissioner to enter into a reciprocal agreement with any state that issues a safe ATV certificate, provided that state's certification program is similar to Connecticut's testing and education requirements. The agreement must permit ATV operators holding valid, effective safe ATV certificates from reciprocating states to be in compliance with this state's certification requirements.

ATV AND SNOWMOBILE DEALERS

Starting July 1, 2003 the bill requires, dealers of new and used snowmobiles and ATVs to provide purchasers with information on registration requirements, regulations, and certification requirements.

BACKGROUND

Infraction

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus an additional fee based on the amount of the fine and a \$20 surcharge. An infraction is not a crime; thus, violators do not have criminal records and can pay the fine by mail without making a court appearance.

Endangered, Threatened, and Species of Special Concern

An “endangered species” is any native species documented to be in danger of extirpation throughout all or a significant portion of its range within the state and to have no more than five “occurrences” in the state. A “threatened species” is one likely to become endangered in the foreseeable future and to have no more than nine occurrences in the state. An “occurrence” is a population of a species breeding and existing within the same ecological community and capable, or potentially capable, of interbreeding with other species’ members in that community.

A “species of special concern” is a native plant species or any native non-harvested wildlife species documented to (1) have a naturally restricted range or habitat in the state, (2) to be at a low population level, and (3) to be in such high demand by man that its unregulated taking would be detrimental to the conservation of its population, or (4) as having been extirpated from the state

National Recreational Trails Program

This program provides grants to eligible organizations, including nonprofit groups, to rehabilitate and maintain recreational trails and facilities. It is administered by the U.S. Department of Transportation and funded through federal gasoline taxes attributed to recreational non-highway uses.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute Change of Reference
Yea 24 Nay 1

Finance, Revenue and Bonding Committee

Joint Favorable Substitute
Yea 40 Nay 3