



General Assembly

January Session, 2003

Raised Bill No. 851

LCO No. 2851

Referred to Committee on Environment

Introduced by:
(ENV)

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 Section 14-380 of the general statutes is repealed and the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 October 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 Section 14-381 of the general statutes is repealed and the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 October 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 October 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 October 1, 2003*):

60 (NEW) (d) There is established an account within the Conservation
61 Fund to be known as the all-terrain vehicle account. All revenue
62 received by the state from fees for the numbering and registration of
63 all-terrain vehicles shall be paid to the Treasurer and shall be
64 deposited in the Conservation Fund and credited to the all-terrain
65 vehicle account. Any funds remaining in the all-terrain vehicle account
66 at the end of any fiscal year shall be carried forward in the account for
67 the succeeding fiscal year. The all-terrain vehicle account shall be used
68 for the following purposes: (1) All expenses incurred by the
69 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 October 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 October 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. On demand of an officer authorized to
185 enforce the provisions of this chapter, such person shall present the
186 certificate to the officer.

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

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

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

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

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

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>

Statement of Purpose:

To create a safe all-terrain vehicle certificate and an all-terrain vehicle account within the Conservation Fund.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]