



House of Representatives

General Assembly

File No. 775

January Session, 2005

Substitute House Bill No. 6744

House of Representatives, May 19, 2005

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING RESTRICTIONS ON THE OPERATION OF MINI-MOTORCYCLES.

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

1 Section 1. (NEW) (*Effective October 1, 2005*) (a) For the purposes of
2 this section, "mini-motorcycle" means a vehicle, as defined in section
3 14-1 of the general statutes, that (1) has not more than three wheels in
4 contact with the ground, (2) is equipped with or is designed to have a
5 seat on which the rider may sit, (3) is propelled by an engine having a
6 piston displacement of 50 c.c. or less, (4) is capable of a speed in excess
7 of twenty miles per hour, and (5) is not eligible to be registered as a
8 motor vehicle under section 14-12 of the general statutes.

9 (b) No person shall operate a mini-motorcycle or ride as a passenger
10 on a mini-motorcycle on any highway, public sidewalk or public
11 property of this state. No owner of a mini-motorcycle shall permit a
12 person to operate the owner's mini-motorcycle or to ride as a
13 passenger on the owner's mini-motorcycle on any highway, public

14 sidewalk or public property of this state.

15 (c) Except on private property owned by the operator of a mini-
16 motorcycle, no person shall operate a mini-motorcycle or ride as a
17 passenger on a mini-motorcycle on any private property in this state
18 unless such operator has in the operator's possession written
19 permission from the owner of the private property to operate such
20 mini-motorcycle and, as the case may be, to carry a passenger on such
21 property.

22 (d) Except on private property owned by the owner of the mini-
23 motorcycle, no owner of a mini-motorcycle shall permit a person to
24 operate the owner's mini-motorcycle or to ride as a passenger on the
25 owner's mini-motorcycle on any private property in this state unless
26 such operator has in the operator's possession written permission from
27 the owner of the private property to operate such mini-motorcycle
28 and, as the case may be, to carry a passenger on such property.

29 (e) The law enforcement agency that issues a summons for the
30 alleged commission of an infraction under this section may take
31 possession of such mini-motorcycle until it receives notice from the
32 owner of such mini-motorcycle sufficient to inform the agency that
33 final disposition has occurred of the alleged commission of such
34 infraction. On receipt of such notice, the law enforcement agency shall,
35 on payment by the owner to such agency of reasonable transportation
36 and storage fees, release such mini-motorcycle to its owner, except a
37 law enforcement agency in possession of such mini-motorcycle for
38 more than one hundred eighty days after taking possession of it
39 pursuant to this subsection may sell or otherwise dispose of such mini-
40 motorcycle.

41 (f) No person may offer for sale, lease or rent a mini-motorcycle
42 unless such mini-motorcycle has a warning label that gives warning
43 information about the safe and legal use of a mini-motorcycle and
44 about the limitations on use and the possible consequences of use in
45 violation of such limitations, set forth in subsections (b) to (e),
46 inclusive, of this section. Such person, on sale, lease or rent of a mini-

47 motorcycle, shall give a written clear and conspicuous statement,
 48 separate from the warning label, to the purchaser, lessee or renter of
 49 such mini-motorcycle containing such warning information.
 50 Advertisements for mini-motorcycles and oral communications of a
 51 person offering for sale, lease or rent a mini-motorcycle shall not
 52 contain information inconsistent with any information required in this
 53 section. Until regulations required in subsection (g) of this section are
 54 adopted, persons offering for sale, lease or rent of a mini-motorcycle
 55 shall display such warning information, advertise and make oral
 56 communications in a manner consistent with the provisions of this
 57 section. The provisions of this subsection do not apply to any person
 58 selling fewer than five used mini-motorcycles in one calendar year,
 59 provided any person claiming inapplicability of the provisions of this
 60 subsection shall have the burden of proving such inapplicability.

61 (g) On or before January 1, 2006, the Department of Motor Vehicles
 62 shall adopt regulations, in accordance with the provisions of chapter
 63 54 of the general statutes, that set forth the warning information
 64 required in this section and manner of display of such warning
 65 information, establish the form of notice sufficient for subsection (e) of
 66 this section, set reasonable transportation and storage fees and
 67 otherwise implement the provisions of this section.

68 (h) Nothing in this section shall prohibit a municipality from
 69 adopting more restrictive limitations on the use and sale, lease or rent
 70 of mini-motorcycles.

71 (i) Violation of any provision of this section shall be an infraction.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	New section

TRA *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 06 \$	FY 07 \$
Department of Motor Vehicles	TF - None	None	None
Judicial Dept.	GF - Revenue Gain	Less than \$100,000	Less than \$100,000
Public Safety, Dept.	GF - Cost	None	None

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 06 \$	FY 07 \$
Municipal Police Departments	Cost	None	None

Explanation

The bill is not anticipated to result in any fiscal impact to the Department of Motor Vehicles. The bill restricts the use of mini-motorcycles on public roads, sidewalks and other public property.

It is anticipated that the new infraction would generate less than \$100,000 in state revenues annually. The bill would result in additional workload for local and state police officers, but is not anticipated to result in a cost.

OLR Bill Analysis

sHB 6744

***AN ACT CONCERNING RESTRICTIONS ON THE OPERATION OF
MINI-MOTORCYCLES***

SUMMARY:

This bill prohibits someone from operating or riding as a passenger on a mini-motorcycle or, as the owner of such a vehicle, allowing someone to operate or ride as a passenger on one on any highway, public sidewalk, or public property in the state. It also prohibits operation on private property not owned by the mini-motorcycle's operator or owner if the property owner's written permission is not in the operator's possession.

The bill requires anyone offering a mini-motorcycle for sale, lease, or rent to provide warning labels and advisories on the safe and legal use of such vehicles, the limitations on their use, and the possible consequences for violating the limitations.

The bill designates violations of any of its provisions as infractions and allows the law enforcement agency issuing a summons for such violations to take possession of the mini-motorcycle until it receives satisfactory notice from the owner that final disposition of the infraction has been made.

The bill specifies that it does not prohibit municipalities from adopting more restrictive limitations on the use, sale, lease, or rent of mini-motorcycles.

The Department of Motor Vehicles (DMV) must adopt implementing regulations by January 1, 2006.

EFFECTIVE DATE: October 1, 2005

MINI-MOTORCYCLES

The bill defines a mini-motorcycle as a vehicle that (1) has no more than three wheels in contact with the ground, (2) is equipped with or designed to have a seat on which a rider may sit, (3) is propelled by an

engine having a piston displacement of 50 cubic centimeters or less, (4) is capable of a speed in excess of 20 miles per hour, and (5) is not eligible to be registered as a motor vehicle.

USE PROHIBITIONS

This bill prohibits someone from operating or riding as a passenger on a “mini-motorcycle” on any highway, public sidewalk, or public property in the state. It also prohibits the owner of a mini-motorcycle from letting someone else operate or ride as a passenger on one. With respect to private property, the bill requires the mini-motorcycle operator to have in his possession written permission from the property owner, unless it is on the operator’s own property. Similarly, except on private property he owns, the owner of a mini-motorcycle may not allow someone else to operate or ride as a passenger on the mini-motorcycle unless the operator carries the written permission of the landowner to operate it, and if it is carrying a passenger, written permission to do so.

REQUIREMENTS FOR MINI-MOTORCYCLE SALE, LEASE, OR RENT

The bill prohibits anyone from offering a mini-motorcycle for sale, lease, or rent unless it has a warning label giving information about the safe and legal use of the mini-motorcycle and about the use limitations and possible consequences of violating these limitations. The bill also requires the person, when the sale, lease, or rental of the mini-motorcycle occurs to provide a clear and conspicuous written statement to the receiver that is separate from the warning label providing the same warning information with respect to safe and legal use, limitations on use, and possible consequences of violation.

Advertisements for mini-motorcycles and oral communications of someone offering one for sale, lease, or rent may not contain information that is inconsistent with the information required by the bill. These requirements do not apply to someone who sells fewer than five used mini-motorcycles in one calendar year, but the burden of proving the inapplicability of the requirements rests with the person claiming to be exempt.

Until DMV adopts the implementing regulations, the bill requires anyone offering a mini-motorcycle for sale, lease, or rent to display

warning information, advertise, and make oral communications in a manner that is consistent with the bill's requirements.

POLICE AUTHORITY TO TAKE CUSTODY OF MINI-MOTORCYCLES

The bill authorizes the law enforcement agency issuing a summons for violating the bill's requirements to take possession of the mini-motorcycle until it receives notice from its owner sufficient to inform the agency that the infraction has been finally disposed. Once notified the agency must release the vehicle to its owner upon payment of reasonable transportation and storage fees. However, if the agency is in possession of the mini-motorcycle for more than 180 days, it may sell or otherwise dispose of it. The bill does not specify any procedures regarding such sale or disposition, nor does it explicitly require any notice to the motorcycle's owner or an opportunity for a hearing. (See COMMENT)

DMV REGULATIONS

The bill requires the DMV to adopt regulations by January 1, 2006 to implement the provisions of the bill and, specifically, set forth the warning information the bill requires, the manner of its display, the form of notice required to inform police agencies in possession of mini-motorcycles that the infraction has been finally disposed, and set reasonable transportation and storage fees.

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.

Related Laws

The law establishes procedures that must be followed when property is seized in connection with a criminal case (CGS §§ 54-36a-54-36c).

Legislative History

On May 2, the House referred the bill (File 625) to the Transportation Committee, which reported out a substitute bill on May 11. The substitute bill replaces the referred bill with SB 48, File 270, which the Transportation Committee previously reported out. On April 20, the Senate referred SB 48, File 270 to the Judiciary Committee, which took no action on it.

COMMENT

The state may not deprive someone of his property without due process of law (Article 1, § 8 Connecticut Constitution; Fourteenth Amendment to the U.S. Constitution). Due process requires the government to follow appropriate procedures when it seeks to deprive a person of his property. It normally requires, at a minimum, notice to the property owner and an opportunity to be heard before an impartial tribunal (*Worsham v. Griefenberger*, 242 Conn. 432 (1997); *U.S. v. James Daniel Good Real Property*, 114 S. Ct. 492 (1996); 16B Am. Jur. 2d *Constitutional Law* §§ 890-972)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 40 Nay 0

Transportation Committee

Joint Favorable Substitute
Yea 29 Nay 1