



House of Representatives

File No. 811

General Assembly

January Session, 2005

(Reprint of File No. 775)

Substitute House Bill No. 6744
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 27, 2005

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) Any police officer who issues a summons for the alleged
30 violation of subsection (b), (c) or (d) of this section shall cause the mini-
31 motorcycle that was being operated to be impounded for a period of
32 forty-eight hours after the issuance of such summons. The owner of
33 such mini-motorcycle may reclaim such mini-motorcycle after the
34 expiration of such forty-eight hour period upon payment of all
35 transportation and storage costs.

36 (f) No person may offer for sale, lease or rent a mini-motorcycle
37 unless such mini-motorcycle has a warning label that gives warning
38 information about the safe and legal use of a mini-motorcycle and
39 about the limitations on use and the possible consequences of use in
40 violation of such limitations, set forth in subsections (b) to (e),
41 inclusive, of this section. Such person, on sale, lease or rent of a mini-
42 motorcycle, shall give a written clear and conspicuous statement,
43 separate from the warning label, to the purchaser, lessee or renter of
44 such mini-motorcycle containing such warning information.
45 Advertisements for mini-motorcycles and oral communications of a
46 person offering for sale, lease or rent a mini-motorcycle shall not
47 contain information inconsistent with any information required in this

48 section. Until regulations required in subsection (g) of this section are
 49 adopted, persons offering for sale, lease or rent of a mini-motorcycle
 50 shall display such warning information, advertise and make oral
 51 communications in a manner consistent with the provisions of this
 52 section. The provisions of this subsection do not apply to any person
 53 selling fewer than five used mini-motorcycles in one calendar year,
 54 provided any person claiming inapplicability of the provisions of this
 55 subsection shall have the burden of proving such inapplicability.

56 (g) On or before January 1, 2006, the Department of Motor Vehicles
 57 shall adopt regulations, in accordance with the provisions of chapter
 58 54 of the general statutes, that set forth the warning information
 59 required in this section and manner of display of such warning
 60 information, establish reasonable transportation and storage fees and
 61 otherwise implement the provisions of this section.

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

65 (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

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 as amended 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.

House "A" makes technical changes to the bill and has no fiscal impact.

OLR Bill Analysis

sHB 6744 (as amended by House "A")*

**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 without the property owner's written permission.

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 requires that the police impound the mini-motorcycle for 48 hours for illegal operation.

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.

*House Amendment "A" (1) eliminates the provision in the bill that 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, and (2) requires that the police impound the mini-motorcycle for 48 hours.

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. The bill prohibits someone from operating a “mini-motorcycle” on someone else’s property unless he is carrying the property owner’s written permission to do so, and if he is carrying a passenger, written permission to do that. The bill prohibits someone from riding as a passenger on private property unless the operator owns it, or is carrying the property owner’s written permission to operate on his property with a passenger. It prohibits a “mini-motorcycle” owner from allowing someone to operate it, or to ride on it as a passenger, on someone else’s property unless the operator is carrying the property owner’s written permission to operate, and if applicable, to carry a passenger.

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 DUTY TO IMPOUND MINI-MOTORCYCLES

The bill requires the officer who issues a summons for illegal operation to cause the mini-motorcycle to be impounded for a period of 48 hours after he issued the summons. The bill allows the mini-motorcycle owner to reclaim it after the 48-hour period upon payment of all transportation and storage costs.

DMV REGULATIONS

The bill requires the DMV to adopt regulations by January 1, 2006 to implement the provisions of the bill and, specifically, to set forth the warning information the bill requires, the manner of its display, and to 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.

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.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 40 Nay 0

Transportation Committee

Joint Favorable Substitute
Yea 29 Nay 1