



General Assembly

January Session, 2005

Committee Bill No. 5599

LCO No. 5153

05153HB05599ENV

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 Section 14-380 of the general statutes is repealed and the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, 2005*):

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, or (3) to the operation of an all-terrain vehicle in any
23 organized event occurring on a closed course on private property with
24 the written permission of the private property owner. Any person who
25 violates any provision of this section shall be fined one hundred
26 twenty dollars.

27 Sec. 2. Section 14-381 of the general statutes is repealed and the
28 following is substituted in lieu thereof (*Effective October 1, 2005*):

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

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 Section 14-383 of the general statutes is repealed and the

49 following is substituted in lieu thereof (*Effective October 1, 2005*):

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

61 Sec. 4. Section 22a-27h of the general statutes is amended by adding
62 subsection (d) as follows (*Effective October 1, 2005*):

63 (NEW) (d) There is established an account, within the Conservation
64 Fund, to be known as the all-terrain vehicle account. All revenue
65 received by the state from fees for the numbering and registration of
66 all-terrain vehicles and for certificates issued pursuant to section 23-
67 26b, as amended by this act, shall be paid to the Treasurer and all such
68 revenue in excess of forty thousand dollars shall be deposited in the
69 Conservation Fund and credited to the all-terrain vehicle account. Any
70 funds remaining in the all-terrain vehicle account at the end of any
71 fiscal year shall be carried forward in the account for the succeeding
72 fiscal year. The all-terrain vehicle account shall be used for the
73 following purposes: (1) All expenses incurred by the Commissioner of
74 Motor Vehicles and the Commissioner of Environmental Protection in
75 the administration and enforcement of the laws and regulations of the
76 state respecting all-terrain operation and damage from all-terrain
77 vehicles; (2) allocations by the Commissioner of Environmental
78 Protection for use by organizations that engage in all-terrain vehicle
79 safety education and the planning, design, construction, maintenance
80 and improvement of all-terrain vehicle facilities; (3) expenditures for

81 all-terrain vehicle safety, education, patrols, enforcement and training
82 programs and the planning, design, acquisition, construction,
83 maintenance and improvement of recreational facilities related to all-
84 terrain vehicles; and (4) the Commissioner of Environmental
85 Protection may use the funds in the all-terrain vehicle account to
86 supplement projects that qualify for grants under the National
87 Recreational Trails Program. Not less than forty per cent of the funds
88 available for expenditure from the all-terrain vehicle account shall be
89 used for planning, design, acquisition, construction, maintenance and
90 improvement of recreational facilities related to all-terrain vehicles.
91 Any organization desiring to obtain funds from the all-terrain vehicle
92 account for purposes of subdivision (2) of this subsection shall apply to
93 the Commissioner of Environmental Protection upon forms as the
94 commissioner may prescribe. The commissioner may approve
95 payment to any organization, provided such organization has
96 provided the commissioner with sufficient evidence that the proposed
97 use of such funds is: (A) In accordance with the provisions of this
98 subsection; (B) not in conflict with any program planned or
99 undertaken by any state agency; (C) needed for the safety or
100 convenience of all-terrain vehicle users and the general public; and (D)
101 approved by the legislative body of such organization. The
102 commissioner shall, not later than December first of each year, submit
103 to the Comptroller a fiscal report that includes a statement of all
104 revenues received by and expenditures made from the all-terrain
105 vehicle account during said fiscal year.

106 Sec. 5. Section 14-387 of the general statutes is repealed and the
107 following is substituted in lieu thereof (*Effective October 1, 2005*):

108 No person shall operate a snowmobile or all-terrain vehicle in the
109 following manner: (1) On any public highway, except such
110 snowmobile or all-terrain vehicle, if operated by a licensed motor
111 vehicle operator, may cross a public highway if the crossing is made at
112 an angle of approximately ninety degrees to the direction of the
113 highway and at a location where no obstruction prevents a quick and

114 safe crossing, the snowmobile or all-terrain vehicle is completely
115 stopped before entering the traveled portion of the highway and the
116 driver yields the right-of-way to motor vehicles using the highway,
117 provided nothing in this subsection shall be construed to permit the
118 operation of a snowmobile or all-terrain vehicle on a limited access
119 highway, as defined in subsection (a) of section 13a-1; (2) in such a
120 manner that the exhaust of the snowmobile or all-terrain vehicle makes
121 an excessive or unusual noise; (3) without a functioning muffler,
122 subject to the provisions of section 14-80, properly operating brakes,
123 sufficient and adequate front and rear lighting and reflecting devices,
124 except (A) an all-terrain vehicle with an engine size of ninety cubic
125 centimeters or less shall not be required to be equipped with front and
126 rear lighting and shall not be operated [after dark] between the hours
127 of sunset and sunrise, and (B) an all-terrain vehicle with an engine size
128 greater than ninety cubic centimeters shall be required to be equipped
129 with front and rear lighting while operating between the hours of
130 sunset and sunrise; (4) in any manner which would cause harassment
131 of any [game] wildlife, as defined in section 26-304 or domestic animal
132 or that would affect endangered or threatened species or species of
133 special concern or essential habitats of such endangered or threatened
134 species, as defined in section 26-304; (5) on any land without the
135 written permission of the owner, or the agent of the owner, or in the
136 case of state-owned land, without the written permission of the state
137 agency or institution under whose control such land is, or in the case of
138 land under the jurisdiction of a local municipality without the written
139 permission of such municipality, which written permission shall be
140 carried on the person operating the all-terrain vehicle while on such
141 land; and (6) on any railroad right-of-way. Nothing in sections 14-379
142 to 14-390, inclusive, shall preclude the operation of a snowmobile or
143 all-terrain vehicle (A) on the frozen surface of any public body of
144 water, provided any municipality may by ordinance regulate the hours
145 of operation of snowmobiles and all-terrain vehicles on public waters
146 within such municipality and provided the operation of a snowmobile
147 or all-terrain vehicle shall be subject to the provisions of section 25-43c;

148 or (B) on any abandoned or disused railroad right-of-way, except
149 where such right-of-way is designated as a trail or greenway for
150 nonmotorized recreation, or in any place or upon any land specifically
151 designated for the operation of snowmobiles and all-terrain vehicles
152 by statute, regulation or local ordinance. Any person who violates any
153 provision of this section shall have committed a separate infraction for
154 each such violation.

155 Sec. 6. Section 23-26b of the general statutes is repealed and the
156 following is substituted in lieu thereof (*Effective October 1, 2005*):

157 (a) No person shall operate and no owner of an all-terrain vehicle
158 shall permit operation of an all-terrain vehicle on [state land] lands
159 owned or managed by the state and designated for all-terrain vehicle
160 use without first obtaining a safe all-terrain vehicle certificate from the
161 Commissioner of Environmental Protection or from another state,
162 pursuant to subsection (e) of this section, and unless such vehicle is
163 registered pursuant to section 14-380, as amended by this act. No safe
164 all-terrain vehicle certificate to operate an all-terrain vehicle on state
165 land [shall be issued to any person under eighteen years of age unless
166 such person has completed a safety education course for all-terrain
167 vehicles given pursuant to section 23-26d] shall be issued by the
168 commissioner to any applicant unless such applicant is ten years of age
169 or older and provides proof of having successfully completed a course
170 in safe all-terrain vehicle operation approved by the commissioner
171 pursuant to section 23-26d or has successfully passed an equivalency
172 examination testing knowledge of safe all-terrain vehicle operation as
173 administered by the commissioner. Operators of all-terrain vehicles
174 must obtain a safe all-terrain certificate by the following dates: (1) For
175 operators who are twenty years of age or younger, by October 1, 2005;
176 (2) for operators who are twenty-one to twenty-five years of age, by
177 October 1, 2006; and (3) for operators who are twenty-six years of age
178 or older, by January 1, 2007. The fee for such safe all-terrain vehicle
179 certificate shall be established by the commissioner pursuant to section
180 23-26f and such fees shall be credited to the all-terrain vehicle account

181 established pursuant to subsection (d) of section 22a-27h of the general
182 statutes, as amended by this act. Any certificate issued by the
183 commissioner pursuant to this section shall be valid for the life of the
184 person to whom such certificate is issued.

185 (b) The commissioner may require that any person operating an all-
186 terrain vehicle on state land (1) furnish proof of liability and property
187 damage insurance on the vehicle, and (2) agree to indemnify and hold
188 harmless the state of Connecticut against any and all suits, claims,
189 demands or judgments, including claims presented under the
190 provisions of chapter 53, that may be allowed against the state for
191 injury to any person as a result of the operation of an all-terrain vehicle
192 on state land.

193 (c) Any person issued a certificate to operate an all-terrain vehicle
194 pursuant to this section or who holds a safe all-terrain vehicle
195 certificate from another state, as described in subsection (e) of this
196 section, shall have such certificate on such vehicle at all times that the
197 person is operating the vehicle as well as the written permission
198 required under section 14-387, as amended y this act. On demand of an
199 officer authorized to enforce the provisions of this chapter, such person
200 shall present the certificate or written permission to the officer.

201 (d) Notwithstanding the provisions of this section, the
202 Commissioner of Environmental Protection may modify or suspend
203 requirements for a certificate to operate an all-terrain vehicle, by
204 written authorization, with respect to an all-terrain vehicle event
205 authorized by the commissioner.

206 (e) The commissioner may enter into a reciprocal agreement with
207 any state that issues a safe all-terrain vehicle certificate, provided the
208 certification program of such other state requires education an testing
209 substantially similar to the education and testing requirements
210 necessary to obtain a safe all-terrain vehicle certificate under
211 subsection (a) of this section. Such agreement shall permit persons
212 holding a valid, effective safe all-terrain certificate from such other

213 state to be in compliance with the requirements of subsection (a) of this
214 section.

215 Sec. 7. Section 23-26e of the general statutes is repealed and the
216 following is substituted in lieu thereof (*Effective October 1, 2005*):

217 (a) No person less than [twelve] ten years of age shall operate an all-
218 terrain vehicle on [state land] lands owned by or managed by the state.
219 A person between twelve and sixteen years of age may operate an all-
220 terrain vehicle on [state land] lands owned or managed by the state
221 and designated for use by all-terrain vehicles provided such person
222 has obtained a safe all-terrain certificate pursuant to section 23-26b, as
223 amended by this act, and is supervised by a person eighteen years of
224 age or older who has completed a safety education course given
225 pursuant to section 23-26d. A person not less than ten years of age and
226 not more than twelve years of age may operate an all-terrain vehicle on
227 lands owned or managed by the state and designated for use by all-
228 terrain vehicles, provided such person has obtained a safe all-terrain
229 vehicle certificate pursuant to section 23-26b, as amended by this act,
230 and is supervised by a parent or legal guardian who has completed a
231 safety education course given pursuant to section 23-26d. No person
232 may operate an all-terrain vehicle with a passenger on lands owned or
233 managed by the state and designated for use by all-terrain vehicles
234 unless such vehicle is designed and equipped for carrying such
235 passengers by the manufacturer, and no person less than ten years of
236 age may ride as a passenger on such all-terrain vehicle on lands owned
237 or managed by the state and designated for use by all-terrain vehicles
238 with any operator who is less than eighteen years of age. Any person
239 sixteen years of age or younger who operates an all-terrain vehicle or is
240 a passenger on an all-terrain vehicle on lands owned or managed by
241 the state and designated for use by all-terrain vehicles shall wear a
242 helmet approved for such use by the United States Department of
243 Transportation or by the Snell Memorial Foundation.

244 (b) Notwithstanding the provisions of subsection (a) of this section,

245 the commissioner may modify or suspend the age requirements for
246 operation of an all-terrain vehicle, by written authorization, with
247 respect to an all-terrain vehicle event or certificate training course
248 authorized by the commissioner.

249 (c) The commissioner may, by regulations adopted pursuant to
250 section 23-26f, as amended by this act, modify or suspend the age
251 requirements of subsection (a) of this section, with respect to the
252 creation of an all-terrain vehicle facility on lands owned or managed
253 by the state dedicated to use by children.

254 Sec. 8. Section 23-26f of the general statutes is repealed and the
255 following is substituted in lieu thereof (*Effective October 1, 2005*):

256 The Commissioner of Environmental Protection shall adopt
257 regulations in accordance with the provisions of chapter 54 to
258 implement the provisions of sections 23-26b to 23-26e, inclusive, as
259 amended by this act, including, but not limited to, (1) establishing
260 standards and procedures for certification of operators of all-terrain
261 vehicles and the use of all-terrain vehicles on state land, (2) setting a
262 fee sufficient to cover the cost of implementing the certification
263 program required pursuant to section 23-26b, and (3) establishing
264 safety requirements for the operation of all-terrain vehicles on state
265 land which shall include provisions for noise levels. Any regulations
266 concerning safety shall be adopted in consultation with the
267 Commissioner of Consumer Protection.

268 Sec. 9. Subsection (b) of section 51-164n of the general statutes is
269 repealed and the following is substituted in lieu thereof (*Effective*
270 *October 1, 2005*):

271 (b) Notwithstanding any provision of the general statutes, any
272 person who is alleged to have committed (1) a violation under the
273 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
274 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
275 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g,

276 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
277 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
278 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
279 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
280 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
281 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
282 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
283 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
284 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
285 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
286 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
287 14-153 or 14-163b, a first violation as specified in subsection (f) of
288 section 14-164i, section 14-219 as specified in subsection (e) of said
289 section, section 14-240, 14-249 or 14-250, subsection (a), (b) or (c) of
290 section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a,
291 14-278 or 14-279, subsection (e) of section 14-283, section 14-291, 14-
292 293b, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, 14-380,
293 as amended by this act, subdivision (1), (2) or (3) of section 14-386a,
294 section 15-33, subsection (a) of section 15-115, section 16-256, 16-256e,
295 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24,
296 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137
297 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33,
298 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-
299 105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-
300 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-
301 425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or 20-324e,
302 subsection (a) of section 20-341, section 20-341l, 20-597, 20-608, 20-610,
303 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25,
304 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-
305 61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85,
306 21a-154, 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-15, 22-16, 22-29, 22-
307 34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-
308 39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-
309 279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b)

310 or (e) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414,
 311 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection
 312 (e) of section 22a-256h, subsection (a) of section 22a-381d, section 22a-
 313 449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of
 314 section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-
 315 49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128,
 316 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230,
 317 26-294, 28-13, 29-6a, 29-109, 29-161y, 29-161z, 29-198, 29-210, 29-243, 29-
 318 277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-
 319 12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-
 320 36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a
 321 or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-
 322 75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273,
 323 section 31-288, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision
 324 (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-
 325 34a, 47-47, 49-8a, 49-16 or 53-133, subsection (a) or (b) of section 53-211,
 326 or section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a,
 327 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under
 328 the provisions of chapter 268, or (3) a violation of any regulation
 329 adopted in accordance with the provisions of section 12-484, 12-487 or
 330 13b-410, shall follow the procedures set forth in this section.

| | | |
|---|------------------------|------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2005</i> | 14-380 |
| Sec. 2 | <i>October 1, 2005</i> | 14-381 |
| Sec. 3 | <i>October 1, 2005</i> | 14-383 |
| Sec. 4 | <i>October 1, 2005</i> | 22a-27h |
| Sec. 5 | <i>October 1, 2005</i> | 14-387 |
| Sec. 6 | <i>October 1, 2005</i> | 23-26b |
| Sec. 7 | <i>October 1, 2005</i> | 23-26e |
| Sec. 8 | <i>October 1, 2005</i> | 23-26f |
| Sec. 9 | <i>October 1, 2005</i> | 51-164n(b) |

Statement of Purpose:

To revise the provisions of the general statutes relating to all-terrain vehicles to, among other things, require that all-terrain vehicles be registered before they may be insured or operated on any land in the state and to use revenues from such registration to establish an all-terrain vehicle account to fund programs, facilities and certain expenses related to all-terrain vehicles.

[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.]

Co-Sponsors: REP. RYAN, 139th Dist.

H.B. 5599