



House of Representatives

General Assembly

File No. 405

February Session, 2006

Substitute House Bill No. 5806

House of Representatives, April 5, 2006

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING 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 Section 14-380 of the general statutes is repealed and the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, 2006*):

3 (a) On or after October 1, 1971, no person shall operate and no
4 owner shall permit the operation of any snowmobile or all-terrain
5 vehicle unless the owner holds a valid, effective registration awarded
6 by this state or by another state or by the United States, provided such
7 state or district of registration grants substantially similar privileges
8 for 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, provided every resident
12 of this state shall obtain such registration from this state under the
13 provisions of section 14-381, before such operation shall be lawful. The
14 provisions of this section shall not apply (1) to the operation of a
15 snowmobile [or all-terrain vehicle] on premises owned or leased by the

16 owner of such snowmobile, [or all-terrain vehicle] or (2) to the
17 operation of a snowmobile in any organized contest as long as such
18 snowmobile is operated in the contest area, provided the owner of
19 such snowmobile holds a valid, effective registration awarded by this
20 state or by another state or the United States. The commissioner shall
21 issue a separate registration for an owner of an all-terrain vehicle who
22 uses his or her all-terrain vehicle for farm or forestry work.

23 (b) Any person who violates the provisions of this section shall pay
24 a fine of two hundred fifty dollars for each offense. One hundred
25 dollars of said fine shall be payable to the municipality in which the
26 arrest was made, unless the arrest was made by a conservation officer,
27 special conservation officer or patrolman appointed by the
28 Commissioner of Environmental Protection under authority of section
29 26-5, in which event said one hundred dollars shall be payable to the
30 Department of Environmental Protection.

31 Sec. 2. Section 14-381 of the general statutes is repealed and the
32 following is substituted in lieu thereof (*Effective October 1, 2006*):

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

49 a fee of twenty dollars for each snowmobile [or all-terrain vehicle] so
50 registered. A state resident who owns an all-terrain vehicle shall pay a
51 fee of seventy-five dollars for each all-terrain vehicle registered and a
52 person who is not a resident of the state who owns an all-terrain
53 vehicle shall pay a fee of one hundred dollars for each all-terrain
54 vehicle registered. No person shall pay a fee for registering an all-
55 terrain vehicle for farm or forest work. Each such certificate of
56 registration shall expire biennially on the last day of March.

57 Sec. 3. Section 14-387 of the general statutes is repealed and the
58 following is substituted in lieu thereof (*Effective October 1, 2006*):

59 No person shall operate a snowmobile or all-terrain vehicle in the
60 following manner: (1) On any public highway, except such
61 snowmobile or all-terrain vehicle, if operated by a licensed motor
62 vehicle operator, may cross a public highway if the crossing is made at
63 an angle of approximately ninety degrees to the direction of the
64 highway and at a location where no obstruction prevents a quick and
65 safe crossing, the snowmobile or all-terrain vehicle is completely
66 stopped before entering the traveled portion of the highway and the
67 driver yields the right-of-way to motor vehicles using the highway,
68 provided nothing in this subsection shall be construed to permit the
69 operation of a snowmobile or all-terrain vehicle on a limited access
70 highway, as defined in subsection (a) of section 13a-1; (2) in such a
71 manner that the exhaust of the snowmobile or all-terrain vehicle makes
72 an excessive or unusual noise; (3) without a functioning muffler,
73 subject to the provisions of section 14-80, properly operating brakes,
74 sufficient and adequate front and rear lighting and reflecting devices,
75 except an all-terrain vehicle with an engine size of ninety cubic
76 centimeters or less shall not be required to be equipped with front and
77 rear lighting and shall not be operated after dark; (4) in any manner
78 which would cause harassment of any game or domestic animal; (5) on
79 any land without the written permission of the owner, or the agent of
80 the owner, or in the case of state-owned land, without the written
81 permission of the state agency or institution under whose control such
82 land is, or in the case of land under the jurisdiction of a local

83 municipality without the written permission of such municipality,
84 which written permission shall be carried on the person operating the
85 all-terrain vehicle while on such land; [and] (6) on any railroad right-
86 of-way; and (7) on any state-owned land except for land purchased by
87 the Department of Environmental Protection with the proceeds of
88 bonds from section 5 of this act, that is designated for all-terrain
89 vehicle use. Nothing in sections 14-379 to 14-390, inclusive, shall
90 preclude the operation of a snowmobile or all-terrain vehicle (A) on
91 the frozen surface of any public body of water, provided any
92 municipality may by ordinance regulate the hours of operation of
93 snowmobiles and all-terrain vehicles on public waters within such
94 municipality and provided the operation of a snowmobile or all-terrain
95 vehicle shall be subject to the provisions of section 25-43c; or (B) on any
96 abandoned or disused railroad right-of-way or in any place or upon
97 any land specifically designated for the operation of snowmobiles and
98 all-terrain vehicles by statute, regulation or local ordinance. Any
99 person who violates any provision of this section shall have committed
100 a separate infraction for each such violation.

101 Sec. 4. Section 22a-27h of the 2006 supplement to the general statutes
102 is amended by adding subsection (d) as follows (*Effective October 1,*
103 *2006*):

104 (NEW) (d) There is established the all-terrain vehicle account, which
105 shall be a separate, nonlapsing account within the Conservation Fund.
106 All revenue received by the state from fees for the registration of all-
107 terrain vehicles pursuant to section 14-381 of the general statutes, as
108 amended by this act, and shall be paid to the Treasurer for deposit into
109 the Conservation Fund and credited to the all-terrain vehicle account.
110 Any funds remaining in the all-terrain vehicle account at the end of
111 any fiscal year shall be carried forward in the account for the
112 succeeding fiscal year. Investment earnings credited to the assets of the
113 account shall become part of the assets of the account. The all-terrain
114 vehicle account shall be used for the following purposes: (1) Expenses
115 incurred by the Commissioner of Motor Vehicles and the
116 Commissioner of Environmental Protection in the administration and

117 enforcement of the laws and regulations of the state respecting all-
118 terrain vehicle operation and damage from all-terrain vehicles; (2)
119 payment of bond debt created by section 5 of this act; and (3) expenses
120 incurred by the Commissioner of Environmental Protection for the
121 development and maintenance of state-owned property designated for
122 all-terrain vehicle use.

123 Sec. 5. (*Effective July 1, 2006*) (a) For the purposes described in
124 subsection (b) of this section, the State Bond Commission shall have
125 the power, from time to time, to authorize the issuance of bonds of the
126 state in one or more series and in principal amounts not exceeding in
127 the aggregate one million five hundred thousand dollars.

128 (b) The proceeds of the sale of said bonds, to the extent of the
129 amount stated in subsection (a) of this section, shall be used by the
130 Department of Environmental Protection for the purpose of the
131 purchase of two noncontiguous properties to be used as all-terrain
132 vehicle riding areas.

133 (c) All provisions of section 3-20 of the general statutes, or the
134 exercise of any right or power granted thereby, which are not
135 inconsistent with the provisions of this section are hereby adopted and
136 shall apply to all bonds authorized by the State Bond Commission
137 pursuant to this section, and temporary notes in anticipation of the
138 money to be derived from the sale of any such bonds so authorized
139 may be issued in accordance with said section 3-20 and from time to
140 time renewed. Such bonds shall mature at such time or times not
141 exceeding twenty years from their respective dates as may be provided
142 in or pursuant to the resolution or resolutions of the State Bond
143 Commission authorizing such bonds. None of said bonds shall be
144 authorized except upon a finding by the State Bond Commission that
145 there has been filed with it a request for such authorization which is
146 signed by or on behalf of the Secretary of the Office of Policy and
147 Management and states such terms and conditions as said commission,
148 in its discretion, may require. Said bonds issued pursuant to this
149 section shall be general obligations of the state and the full faith and

150 credit of the state of Connecticut are pledged for the payment of the
151 principal of and interest on said bonds as the same become due, and
152 accordingly and as part of the contract of the state with the holders of
153 said bonds, appropriation of all amounts necessary for punctual
154 payment of such principal and interest is hereby made, and the State
155 Treasurer shall pay such principal and interest as the same become
156 due.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	14-380
Sec. 2	<i>October 1, 2006</i>	14-381
Sec. 3	<i>October 1, 2006</i>	14-387
Sec. 4	<i>October 1, 2006</i>	22a-27h
Sec. 5	<i>July 1, 2006</i>	New section

ENV *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 07 \$	FY 08 \$
Department of Environmental Protection	GF/ Conservation - Cost/Revenue Gain	See Below	See Below
Department of Motor Vehicles	TF - Revenue Impact	See Below	See Below
Judicial Dept.	GF - Cost	Minimal	Minimal
Treasurer, Debt Serv.	GF - Cost	See Below	See Below

Note: GF=General Fund; TF=Transportation Fund

Municipal Impact:

Municipalities	Effect	FY 07 \$	FY 08 \$
Various Municipalities	Revenue Gain	Potential	Potential

Explanation

There are currently 3,207 ATVs and 2,005 snowmobiles registered with the Department of Motor Vehicles (DMV) which provide \$104,240 biennially in revenue to the Transportation Fund.

The bill increases the biennial registration fee for ATVs from \$20 to \$75. The bill transfers all revenue from such registration fees to the All Terrain Vehicle Account (ATV) of the Conservation Fund of the Department of Environmental Protection (DEP). Therefore there is a biennial revenue loss of \$64,140 to the Transportation Fund and biennial revenue gain of \$240,525 to the All Terrain Vehicle Account (ATV).

Section 2 of the bill also exempts all-terrain vehicles used for farm or forest work from registration requirements which results in a minimal revenue loss, less than \$10,000, to the Transportation Fund.

The industry estimates that there may be as many as 65,000 ATVs and snowmobiles in Connecticut. Assuming 10% of these as the base, 1,288 additional ATV vehicles could now be registered; there would be a biennial revenue gain of \$96,600 to the All Terrain Vehicle Account (ATV) of the Conservation Fund of the Department of Environmental Protection (DEP).

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 under the National Recreation Trails program are permitted if additional funds remain in the account.

The cost to DMV to be paid from the ATV account to register 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 1,288 new ATV registrations, the increased costs for first time registrations would be \$9,016. Costs to renew the licenses would be approximately 70 cents per renewal two years after the initial registration.

The revenue gain due to the establishment of safe all terrain vehicle certificates 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 one quarter of the new registrants obtain one, the initial revenue gain will be approximately \$8,050 to the Conservation Fund. The certificates would be valid for the life of the person it is issued to.

The bill authorizes \$1.5 million in General Obligation (GO) bonds effective 7/1/06. The interest cost to bond this amount for 20 years, assuming a 5% interest rate, is \$0.8 million.

Section 1 of the bill increases the fine (from \$75 to \$250) that may be imposed on any person for operating a snowmobile or all-terrain vehicle without valid registration. It requires that \$100 of the fine is to be payable to the municipality in which the arrest was made unless the arrest was made by a conservation officer, special conservation officer or patrolman appointed by the Commissioner of Environmental Protection, in which case the \$100 would be payable to the Commissioner. About 375 such fines are imposed annually under current law. The gross revenue increase attributable to raising the fine could therefore be as high as \$65,625. The actual amount of revenue is likely to be less, however, since more fines would be contested under the bill which could result in the imposition of fewer fines overall or for amounts less than the bill establishes.

The Judicial Department would initially incur a minimal cost (i.e., less than \$50,000) to modify its computer and accounting systems in order to remit payments to municipalities in accordance with the bill. The ongoing processing of these remittances could be accommodated by the Judicial Department within budgeted resources.

Section 3 provides for a fine to be imposed on any person who operates a snowmobile or all-terrain vehicle on any state-owned land not designated for all-terrain vehicle use. This change is expected to generate minimal revenue to the General Fund on an annual basis.

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.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

The annualized ongoing fiscal impact for the principal and interest payments over 20 years ranges between \$.15 million in FY 08 and \$0.08

million in FY 27 if the bonds are issued 7/1/06.

OLR Bill Analysis**sHB 5806*****AN ACT CONCERNING ALL-TERRAIN VEHICLES.*****SUMMARY:**

This bill requires the registration of all-terrain vehicles (ATVs) and sets registration fees, paid biennially. It sets fines for failing to register an ATV, or with certain exceptions, a snowmobile. It authorizes the State Bond Commission to issue \$1.5 million in bonds for the purchase of two noncontiguous state properties for use by ATV operators. The bill bars ATV operators from driving their vehicles on any other state land. But the law, unchanged by the bill, allows ATV operators to drive on state-owned or -controlled property, with the written permission of the state agency or entity that controls it. The bill also creates an ATV account within the Department of Environmental (DEP) Conservation Fund to be used for ATV-related purposes. DEP uses the fund to administer its central office and its conservation and preservation programs.

EFFECTIVE DATE: October 1, 2006, except for the provisions concerning the issuance of bonds, which take effect July 1, 2006.

ATV REGISTRATION

Under current law, ATV owners do not have to register their vehicles if they operate them on land they own or lease. ATV owners who register their vehicles pay a \$20 fee. The bill requires the registration of all ATVs and sets a registration fee of \$75 per vehicle for state residents and \$100 per vehicle for nonresidents. It requires a separate registration for, and exempts from the fee, ATVs used in farm or forestry work. Registrations expire biennially on March 31.

Failure to Register an ATV or Snowmobile

The bill subjects anyone who does not register his ATV, or, with certain exceptions, his snowmobile, to a \$250 fine for each offense. It requires that \$100 of the fine be paid to the town in which the arrest was made, except the \$100 must be paid to the DEP if a conservation officer, special conservation officer, or patrolman appointed by DEP makes the arrest.

ATV ACCOUNT

The bill creates an ATV account as a separate, nonlapsing account within the Conservation Fund. It requires all ATV registration fees to be credited to this account. The DEP commissioner must use money from the ATV account for (1) expenses she and the motor vehicle commissioner incur in administering and enforcing laws and regulations concerning ATV operation, and damage caused by ATVs; (2) payment of bond debt (see below); and (3) developing and maintaining state property designated for ATV use. Any funds remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year. Investment earnings credited to the account's assets become a part of the account.

PURCHASE OF STATE LAND FOR ATV USE

The bill authorizes the State Bond Commission to issue bonds of up to \$1.5 million for DEP to use to buy two noncontiguous properties for use as ATV riding areas. The bill does not specify a deadline for the purchase.

OPERATING ATVS AND SNOWMOBILES ON STATE LAND

The bill prohibits people from operating ATVs on any state-owned land except for the two properties requires DEP to buy and designate for ATV use. The law, unchanged by the bill, requires that ATV operators obtain a state agency's written permission when operating on state-owned or controlled land. Such permission apparently is not necessary when operating on the two properties designated for ATV use. The bill also apparently prohibits snowmobile operators from operating on state-owned land other than land set aside for ATV use. The law makes a violation of these provisions an infraction.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 25 Nay 2 (03/20/2006)