



General Assembly

January Session, 2007

Raised Bill No. 7277

LCO No. 4806

04806 _____ ENV

Referred to Committee on Environment

Introduced by:
(ENV)

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 Section 14-380 of the general statutes is repealed and the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, 2007*):

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, 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.

21 Sec. 2. Section 14-381 of the general statutes is repealed and the
22 following is substituted in lieu thereof (*Effective October 1, 2007*):

23 Any owner required to register a snowmobile or all-terrain vehicle
24 shall apply to the commissioner and shall file evidence of ownership
25 by affidavit or document, and in the case of an all-terrain vehicle, an
26 all-terrain vehicle safety certificate in accordance with section 7 of this
27 act. Upon receipt of an application in proper form and the registration
28 fee, the commissioner shall assign an identification number and
29 provide the owner with a certificate of registration and registration
30 plate. The registration plate, which shall be affixed by the owner, shall
31 be displayed on the snowmobile or all-terrain vehicle at a place and in
32 a manner prescribed by the commissioner. In addition to such
33 registration plate, each snowmobile and all-terrain vehicle so
34 registered shall display its registration number on each side of its front
35 section, midway between the top and bottom of said front section, in
36 letters or numbers at least three inches in height and made of a
37 reflective material. The certificate of registration shall be carried on
38 such snowmobile or all-terrain vehicle and shall be available for
39 inspection whenever such snowmobile or all-terrain vehicle is being
40 operated. The owner of a snowmobile shall pay a fee of twenty dollars
41 for each snowmobile [or all-terrain vehicle] so registered. The owner of
42 an all-terrain vehicle shall pay a fee of forty dollars for each all-terrain
43 vehicle so registered. Each such certificate of registration shall expire
44 biennially on the last day of March.

45 Sec. 3. (NEW) (*Effective from July 1, 2007, and applicable to sales*
46 *occurring on or after July 1, 2007*) Each purchaser of an all-terrain vehicle
47 on or after July 1, 2007, shall pay a trail user fee, equivalent to one per
48 cent of the total purchase price of such all-terrain vehicle, exclusive of
49 sales tax. Each retailer shall collect from the purchaser the full amount

50 of the user fee imposed by this section or an amount equal as nearly as
51 possible or practicable to the average equivalent thereof and transmit
52 such amount to the Commissioner of Revenue Services. In case of the
53 purchase of an all-terrain vehicle other than from an all-terrain vehicle
54 dealer, as defined in section 14-379 of the general statutes, the receipts
55 therefrom shall not be included in the measure of the user fee, but the
56 purchaser of the all-terrain vehicle shall pay the user fee to the
57 Commissioner of Revenue Services at the time of registration of such
58 all-terrain vehicle, in accordance with section 14-381 of the general
59 statutes, as amended by this act, on a form prescribed by the
60 Commissioner of Motor Vehicles, in consultation with the
61 Commissioner of Revenue Services. Nothing in this section shall be
62 construed to affect the amount of sales tax imposed on such all-terrain
63 vehicle.

64 Sec. 4. Section 22a-27h of the general statutes is amended by adding
65 subsection (d) as follows (*Effective July 1, 2007*):

66 (NEW) (d) There is established the all-terrain vehicle account, which
67 shall be a separate, nonlapsing account within the Conservation Fund.
68 Not less than thirty per cent of the revenue received by the state from
69 fees for the registration of all-terrain vehicles, in accordance with
70 section 14-381, as amended by this act, the totality of the trail user fee
71 collected in accordance with section 3 of this act and any fines collected
72 for violations of sections 14-379 to 14-390, inclusive, involving all-
73 terrain vehicles shall be paid to the Treasurer for deposit into the
74 Conservation Fund and credited to the all-terrain vehicle account. The
75 all-terrain vehicle account shall be used for the following purposes: (1)
76 Expenses incurred by the Commissioner of Motor Vehicles and the
77 Commissioner of Environmental Protection in the administration and
78 enforcement of the laws and regulations of the state respecting all-
79 terrain operation and damage from all-terrain vehicles; (2) expenses
80 incurred by the Commissioner of Environmental Protection for the
81 development and maintenance of state-owned property designated for
82 all-terrain vehicle use in accordance with section 6 of this act; and (3)

83 for the education of the public in the safe operation of all-terrain
84 vehicles.

85 Sec. 5. (NEW) (*Effective October 1, 2007*) (a) No person shall operate
86 an all-terrain vehicle unless such person is wearing protective
87 headgear which conforms to the minimum specifications established
88 by the Snell Memorial Foundation's Standard for Protective Headgear
89 for Use in All-Terrain Vehicle Riding. Failure to comply with this
90 section shall not be a violation or an offense.

91 (b) A law enforcement officer may issue a verbal warning to the
92 operator of an all-terrain vehicle or the parent or guardian of a minor if
93 such minor has failed to comply with the provisions of subsection (a)
94 of this section.

95 Sec. 6. (NEW) (*Effective October 1, 2007*) The Commissioner of
96 Environmental Protection shall designate not less than three trails for
97 use by all-terrain vehicles not later than July 2, 2008. Notwithstanding
98 any of the general statutes, the state shall be held harmless against all
99 claims arising out of the use of such trails.

100 Sec. 7. (NEW) (*Effective October 1, 2007*) On or after October 1, 2007,
101 no person shall register an all-terrain vehicle without first obtaining an
102 all-terrain vehicle safety certificate from the Commissioner of
103 Environmental Protection evidencing successful completion of a
104 course in safe all-terrain vehicle operation approved by the
105 commissioner. The commissioner shall adopt regulations, in
106 accordance with the provisions of chapter 54 of the general statutes,
107 establishing requirements for the issuance of all-terrain vehicle safety
108 certificates, a reasonable fee to cover the cost of such certificates and
109 the content of safe all-terrain vehicle operation courses which shall
110 include, but not be limited to, instruction in rider safety, proper safety
111 equipment including, but not limited to, the use of appropriate head
112 and eye protection. The commissioner may designate an agent for
113 instructing such course and issuing such certificates.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	14-380
Sec. 2	<i>October 1, 2007</i>	14-381
Sec. 3	<i>from July 1, 2007, and applicable to sales occurring on or after July 1, 2007</i>	New section
Sec. 4	<i>July 1, 2007</i>	22a-27h
Sec. 5	<i>October 1, 2007</i>	New section
Sec. 6	<i>October 1, 2007</i>	New section
Sec. 7	<i>October 1, 2007</i>	New section

Statement of Purpose:

To require the registration of all all-terrain vehicles, to charge a trail user fee to all purchasers of all-terrain vehicles, to establish an all-terrain vehicle account, to require DEP to designate three trails for all-terrain vehicle use and to require all registrants to obtain an all-terrain vehicle safety certificate.

[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.]