



General Assembly

Substitute Bill No. 7277

January Session, 2007

* _____HB07277ENVTRA032207_____*

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 Section 14-380 of the general statutes is repealed and the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, 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 in any organized contest as long as such snowmobile is
19 operated in the contest area, provided the owner of such snowmobile
20 holds a valid, effective registration awarded by this state or by another

21 state or the United States.

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 Section 14-381 of the general statutes is repealed and the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

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

46 Sec. 3. (NEW) (*Effective from July 1, 2007, and applicable to sales*
47 *occurring on or after July 1, 2007*) Each purchaser of an all-terrain vehicle
48 on or after July 1, 2007, shall pay a trail user fee, equivalent to one per
49 cent of the total purchase price of such all-terrain vehicle, exclusive of
50 sales tax. Each retailer shall collect from the purchaser the full amount
51 of the user fee imposed by this section or an amount equal as nearly as
52 possible or practicable to the average equivalent thereof and transmit
53 such amount to the Commissioner of Revenue Services. In case of the

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

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

67 (NEW) (d) There is established the all-terrain vehicle account, which
68 shall be a separate, nonlapsing account within the Conservation Fund.
69 Not less than fifty per cent of the revenue received by the state from
70 fees for the registration of all-terrain vehicles, in accordance with
71 section 14-381, as amended by this act, the totality of the trail user fee
72 collected in accordance with section 3 of this act and any fines collected
73 for violations of sections 14-379 to 14-390, inclusive, involving all-
74 terrain vehicles shall be paid to the Treasurer for deposit into the
75 Conservation Fund and credited to the all-terrain vehicle account. The
76 all-terrain vehicle account shall be used for the following purposes: (1)
77 Expenses incurred by the Commissioner of Motor Vehicles and the
78 Commissioner of Environmental Protection in the administration and
79 enforcement of the laws and regulations of the state respecting all-
80 terrain operation and damage from the illegal use of all-terrain
81 vehicles; (2) expenses incurred by the Commissioner of Environmental
82 Protection for the development and maintenance of state-owned
83 property designated for all-terrain vehicle use in accordance with
84 section 23-26c, as amended by this act; and (3) for the education of the
85 public in the safe operation of all-terrain vehicles.

86 Sec. 5. (NEW) (*Effective October 1, 2007*) (a) No person shall operate

87 an all-terrain vehicle unless such person is wearing protective
88 headgear which conforms to the minimum specifications established
89 by the Snell Memorial Foundation's Standard for Protective Headgear
90 for Use in All-Terrain Vehicle Riding. Failure to comply with this
91 section shall not be a violation or an offense.

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

96 Sec. 6. Section 23-26c of the general statutes is repealed and the
97 following is substituted in lieu thereof (*Effective July 1, 2007*):

98 The Commissioner of Environmental Protection shall evaluate the
99 properties under [his] the commissioner's jurisdiction and the
100 jurisdiction of other state agencies for [their] use by persons operating
101 all-terrain vehicles and not later than July 2, 2008, the commissioner
102 shall [make available some of such properties] designate not less than
103 three trails on such properties for such use. In making such properties
104 available the commissioner shall consider minimizing the impact of
105 all-terrain vehicles on the environment. Before making any property
106 available that is under the jurisdiction of another state agency, the
107 commissioner shall consult with such agency.

108 Sec. 7. Section 23-26b of the general statutes is repealed and the
109 following is substituted in lieu thereof (*Effective July 1, 2007*):

110 (a) No person shall operate an all-terrain vehicle on state land
111 without first obtaining a certificate from the Commissioner of
112 Environmental Protection and unless such vehicle is registered
113 pursuant to section 14-380, as amended by this act. No certificate to
114 operate an all-terrain vehicle on state land shall be issued to any
115 person [under eighteen years of age] unless such person has completed
116 a safety education course for all-terrain vehicles given pursuant to
117 section 23-26d, as amended by this act.

118 (b) The commissioner may require that any person operating an all-
 119 terrain vehicle on state land [(1)] furnish proof of liability and property
 120 damage insurance on the vehicle, and [(2)] shall require that such
 121 person agree to indemnify and hold harmless the state of Connecticut
 122 against any and all suits, claims, demands or judgments, including
 123 claims presented under the provisions of chapter 53, that may be
 124 allowed against the state for injury to any person as a result of the
 125 operation of an all-terrain vehicle on state land.

126 Sec. 8. Section 23-26d of the general statutes is repealed and the
 127 following is substituted in lieu thereof (*Effective July 1, 2007*):

128 On or after October 1, 2007, no person shall register an all-terrain
 129 vehicle without first obtaining an all-terrain vehicle safety certificate
 130 from the Commissioner of Environmental Protection evidencing
 131 successful completion of a course in safe all-terrain vehicle operation.
 132 The Commissioner of Environmental Protection [, in consultation with
 133 the Commissioner of Consumer Protection, shall, by] shall adopt
 134 regulations, [adopted] in accordance with the provisions of chapter 54,
 135 [formulate safety education courses for the operation of all-terrain
 136 vehicles] establishing requirements for the issuance of all-terrain
 137 vehicle safety certificates and a reasonable fee to cover the cost of such
 138 certificates. The Commissioner of Environmental Protection may
 139 designate [as his] as an agent for giving [a] such a course or issuing
 140 such a certificate any person or organization [he deems] the
 141 commissioner deems qualified to act in such capacity.

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>July 1, 2007</i>	23-26c
Sec. 7	<i>July 1, 2007</i>	23-26b
Sec. 8	<i>July 1, 2007</i>	23-26d

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Joint Favorable Subst. C/R

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