

Statement for the Environment Committee March 2010

Thank you for the opportunity to address this committee. My name is Lewis Davidson and I am the President of the Connecticut Motorsports Business Association whose membership represents the majority of power sport dealers in Connecticut. These dealers employ over 500 people and generate millions of dollars in sales and sales tax revenues. Motorsports, for those of you who are not aware of the term, encompasses motorcycles, ATVs, dirt bikes, personal watercraft, snow-mobiles and other off road vehicles.

Our members and their customers represent a large and growing constituency of ATV riders, who are not able to pursue their sport in Connecticut. Unlike personal watercraft, motorcycles, ballooning, horses, airplanes, kayaks, canoes, and snowmobiles all of which are provided space and/or access to Connecticut's resources, they have no where to go.

Connecticut provides access to state and federal lands, waterways, roads, and highways to all manner of transportation, for both personal and business use, except for ATV's. This despite the presence on the books of a regulation (Section 23-26c of the General Statutes - passed by the Legislature in 1986) that requires the DEP to provide space in CT for off road use.

We believe that the resources of Connecticut are meant to be shared by all Connecticut residents in a manner allowing for competing and differing usages. Connecticut's resources are not a private playground for a select few but rather a common resource to be shared and enjoyed by many.

There is probably not one member of the committee who is a strong supporter of all the activities I previously mentioned, and some might prefer it if some did not exist. But I am sure, and I hope the committee agrees, we need to be respectful of each others beliefs and desires and, through compromise, reach agreement on solutions that allow all Connecticut residents a way to legally pursue, in a manner of their own choosing, their own 'pursuit of happiness'.

Our proposal before you addresses this issue and provides both a funding mechanism and the means to control ATV access to Connecticut state lands.

Thank you for your time and consideration.

Respectfully submitted Lewis I. Davidson, President
Connecticut Motorsports Dealers Association

ATV Law and Proposed Changes

The following pages have the existing law as well as the changes from proposed bill 5417 and changes suggested by CMBA. The format is as follows:

- The original bill is in Verdana 10 point type.
- Changes suggested in proposed bill 5417 are in **Times New Roman Bold 12 point**
- Changes suggested by CMBA are in ***Britannic Bold Italic 12 point***

Deletions are shown as ~~strikethroughs~~

We have not included the technical language for

The rationale for the suggested changes are as follows:

5417 - Statement of Purpose:

To establish a central registry for land preserved as open space and farmland, enable municipalities to impose a conveyance tax on certain real property sales in order to generate funds for the preservation of open space and to require the development of trails for use by all-terrain vehicle operators.

CMBA

The changes suggested by CMBA have five major objectives.

1. To update the regulations to reflect the physical realities of today's ATV's
2. Ensure universal registration of ATV's
3. Set trail riding fees to ensure an on going revenue stream, including out of state rider fees
4. Specify specific penalties for violations
5. Eliminating the display of registration number on ATV's – because of the physical limitations on dirt bikes and ATV's makes it impossible.

Section 1. (NEW) (Effective October 1, 2010) The Commissioners of Environmental Protection and Agriculture, in collaboration with the chief elected official of each municipality, shall develop a central open space and farmland preservation registry that contains information concerning real property preserved as open space and agricultural land in this state. Such registry may contain information on property identified for preservation as open space or agricultural land. The commissioners shall determine the scope of information contained in such registry for each property. In developing such registry, the commissioners may consult with the Farmland Preservation Advisory Board established pursuant to section 22-261l of the general statutes. The commissioners may seek funds as may be available from federal, state or other sources for the development and maintenance of such registry. Such registry shall be made available on-line to each municipality and state agency for the purpose of monitoring, coordinating and implementing open space, farmland preservation and responsible growth goals.

Sec. 2. (NEW) (Effective from passage) (a) A municipality may impose a buyer's tax on the conveyance of real property, occurring on or after July 1, 2010, at the rate of not more than one per cent of the consideration paid by the buyer in excess of one hundred fifty thousand dollars. Such tax may be retained by the municipality, shall be kept in a separate account and shall be used for any of the following purposes approved by the Office of Policy and Management: (1) Purchase of development rights related to or the purchase of open space land, forest land, farm land or waterfront property by the municipality or by the municipality in cooperation with the state or federal government or with a private organization such as a land trust, (2) brownfield remediation, or (3) other environmental projects.

(b) Conveyances resulting in the preservation of open space land, forest or farm land shall be exempt from any tax imposed pursuant to the provisions of subsection (a) of this section.

Sec. 23-26a. "All-terrain vehicle" defined. As used in sections 23-26b to 23-26g, inclusive, "all-terrain vehicle" means a motorized vehicle, not suitable for operation on a highway that (1) is not more than ~~fifty~~ **sixty** inches in width, (2) has a dry weight of not more than ~~six hundred~~ **nine hundred and seventy five** pounds, (3) travels on two or more tires specifically designed for unimproved terrain, (4) has a seat or saddle designed ~~to be straddled~~ **for off road riding** by the operator, and (5) has an engine with **more than 5 horsepower**. ~~a piston displacement of more than fifty cubic centimeters.~~

(P.A. 86-249, S. 1; P.A. 02-70, S. 84.)

History: P.A. 02-70 amended definition to include vehicles that travel on two or more tires specifically designed for unimproved terrain and that have an engine with a piston displacement of more than fifty cubic centimeters, eliminating reference to three low pressure tires, effective June 3, 2002.

Sec. 23-26b. Certificate to operate all-terrain vehicles on state land. (a) No person shall operate an all-terrain vehicle on state land without first obtaining a certificate from the Commissioner of Environmental Protection and unless such vehicle is registered pursuant to section 14-380. No certificate to operate an all-

terrain vehicle on state land shall be issued to any person ~~under eighteen years of age~~ unless such person has completed a safety education course for all-terrain vehicles given pursuant to section 23-26d.

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

(c) Every all terrain vehicle operated in Connecticut will be registered by the Department of Motor Vehicles. The registration shall be for a period of two years at a cost of \$70. The following usages: Farm use, used solely on the owner's property, used solely at construction sites, solely in competition and non-profit environmental organizations will be charged a one time fee of \$20. All fees will be waived for all terrain vehicles used by the state of Connecticut and local municipalities. Five percent (5%) of the registration fee will be returned to the municipality in which the all terrain vehicle is registered. *[It is assumed that DEP and DMV would have suggested language on how the remaining funds should split - DMV to cover their costs of processing the registrations and DEP to assure the moneys go to the creation and maintenance of the ATV trails]* Registration will commence 120 days before the first state land is opened to all terrain vehicle riding.

(d) No property tax will be assessed on all terrain vehicles.

(e) All terrain vehicles will be issued a license plate which will be mounted on the rear of the all terrain vehicle such that it is easily visible and does not impede the operation of the unit.

(f) The commissioner will set trail riding fees for riding on state lands of \$10 per day, \$15 per day for non residents, or \$50 per year, \$75 for non residents. The commissioner will determine if ATV dealers can sell trail riding stickers.

(P.A. 86-249, S. 2.)

Sec. 23-26c. Availability of state land for use by persons operating all-terrain vehicles. The Commissioner of Environmental Protection shall evaluate the properties under ~~his~~ the commissioner's jurisdiction and the jurisdiction of other state agencies for their use by persons operating all-terrain vehicles and shall, no later than July 1, 2010, make available some of such properties for such use and commence development of trails for the operation of all-terrain vehicles on such properties **with such development being completed and the trails open for use by July 1, 2011.** In making such properties available the commissioner shall consider minimizing the impact of all-terrain vehicles on the environment. Before making any property available that is under the jurisdiction of another state agency, the commissioner shall consult with such agency.

(P.A. 86-249, S. 3.)

Sec. 23-26d. Regulations re safety education courses for the operation of all-terrain vehicles. The Commissioner of Environmental Protection, in consultation with the Commissioner of Consumer Protection, shall, by regulations adopted in accordance with the provisions of chapter 54, formulate safety education courses for the operation of all-terrain vehicles. The Commissioner of Environmental Protection may designate as his agent for giving a course any person or organization he deems qualified to act in such capacity.

(P.A. 86-249, S. 4, 9; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.)

History: June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

Sec. 23-26e. Operation of all-terrain vehicles on state land by certain minors. No person less than twelve years of age shall operate an all-terrain vehicle on state land. A person between twelve and sixteen years of age may operate an all-terrain vehicle on state land provided such person has obtained a certificate pursuant to section 23-26b and is supervised by a person eighteen years of age or older who has completed a safety education course given pursuant to section 23-26d.

(P.A. 86-249, S. 5.)

Sec. 23-26f. Regulations re operation of all-terrain vehicles. The Commissioner of Environmental Protection shall adopt regulations in accordance with the provisions of chapter 54 (1) establishing standards and procedures for certification of operators of all-terrain vehicles and the use of all-terrain vehicles on state land, (2) setting a fee sufficient to cover the cost of implementing the certification program required pursuant to section 23-26b and (3) establishing safety requirements for the operation of all-terrain vehicles on state land which shall include provisions for noise levels. Any regulations concerning safety shall be adopted in consultation with the Commissioner of Consumer Protection.

(P.A. 86-249, S. 6, 9; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.)

History: June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

See chapter 255 (Secs. 14-379 et seq.) re snowmobiles and all-terrain vehicles generally.

Sec. 23-26g. Penalties. (a) Any person who violates section 23-26b or 23-26e or any regulations adopted pursuant to section 23-26f shall have committed an infraction. For a second and each subsequent violation of any of said laws or regulations the Commissioner of Environmental Protection may suspend any certificate issued pursuant to section 23-26b and the right to obtain any such permit for not more than two years.

Fines will be levied as follows: for the first infraction \$99 plus proof of registration, a second infraction will lead to the impoundment of the all terrain vehicle with the rider responsible for all towing fees and an additional fine of \$250 plus proof of registration. A third infraction will result in confiscation of the vehicle. *[It is assumed DEP would have suggested language that these funds are to be allocated to DEP law enforcement]*

(b) Any person who (1) knowingly permits a person less than eighteen years of age who has not obtained a certificate pursuant to section 23-26b to operate an all-terrain vehicle on state land, (2) permits a person less than twelve years of age to operate an all-terrain vehicle on state land or (3) allows a person between twelve and sixteen years of age to operate an all-terrain vehicle on state land without being supervised by a person more than eighteen years of age, shall have committed an infraction.

(P.A. 86-249, S. 7.)

See Secs. 14-387 and 14-388 re violations of rules of operation of snowmobiles and all-terrain vehicles and resulting penalties, generally.

Sec 43/ Section 14-381

Any owner required to register a snowmobile or all-terrain vehicle shall apply to the commissioner and shall file evidence of ownership by affidavit or document. Upon receipt of an application in proper form and the registration fee, the commissioner shall assign an identification number and provide the owner with a certificate of registration and registration plate. The registration plate, which shall be affixed by the owner, shall be displayed on the snowmobile or all-terrain vehicle at a place and in a manner prescribed by the commissioner. In addition to such registration plate, each snowmobile ~~and all-terrain vehicle~~ so registered shall display its registration number on each side of its front section, midway between the top and bottom of said front section, in letters or numbers at least three inches in height and made of a reflective material. The certificate of registration shall be carried on such snowmobile or all-terrain vehicle and shall be available for inspection whenever such snowmobile or all-terrain vehicle is being operated. The owner shall pay a fee of twenty dollars for each snowmobile or all-terrain vehicle so registered. Each such certificate of registration shall expire biennially on the last day of March. **Any fee collected pursuant to this section for the registration of an all-terrain vehicle shall be deposited in the General Fund and credited to the appropriations of the Department of Environmental Protection for the purpose of establishing trails pursuant to section 23-26c, as amended by this act.**