

Committee members,

In Connecticut you have to go through a training course and take a test to get a driver's license, motorcycle endorsement and boating license. We treat ATV operation differently, but we should not. ATV operation comes with as many inherent dangers as riding a motorcycle on a public street and perhaps more. We should not consider opening trails to the general public until we have educated them on the safety, legal, and environmental issues.

Recreational vehicles and their use need to have oversight. If a trail needs to be closed due to safety or environmental concerns, who would do that? If a new law or regulation needs to be proposed due to a change in technology, safety or public concerns who will take the lead? My suggestion to mitigate and possibly interdict future issues is simple. Create a division, organization, or element within an agency of the State solely devoted to ATV issues.

The new organization could function with just four full time staff. It could look like this:

- o 1 Law administrator / legislative liaison – For legal issues such as operating under the influence, legal definitions (ATV VS. Enduro), registration at the point of sale, land use management / property and boundary issues, property purchasing, licensing, liability issues, helmet use, etc....
- o 1 Training coordinator – To create a program of instruction, (either classroom or internet based) oversee volunteer instructors, maintain accountability for instructional material, manage / maintain a training area, coordinate rallies and education events, etc...
- o 2 Trail maintenance / construction administrators (East / West). They could oversee and coordinate trail maintenance equipment, seasonal trail maintainers and staff. Open and close trails based on safety or environmental concerns.

How to pay for it. There are approximately 70,000 ATV's in Connecticut now, and more to come. The simplest way to generate revenue is to increase the current registration fee from \$20.00 every two years to a higher amount (\$75.00?) every year. An average ATV costs between 6 and 8 thousand dollars new. Owning and operating an ATV is a luxury, the State should consider that when assessing a new registration fee. An ATV license, certificate or endorsement could be a onetime fee of \$50.00 or more. Any fee collected for the registration of an all-terrain vehicle shall be deposited in the General Fund and credited to the appropriations of the Department (whatever department takes on this task). The estimated revenue for the State would be between 2.5 and 5 million dollars per year. This does not include the sales tax generated from the sale of new ATV's and jobs created (service, repair, fuel, sales).

I also suggest a tool to be created to assist law enforcement right now. I have laid it out on the following page. This will allow law enforcement to reduce the number of repeat (nuisance) ATV complaints and bring the public into compliance with current ATV registration law. This will save money for the State and towns (reducing the number of calls for emergency services), and reduce the amount of State and private property damaged by the illegal operation of ATV's.

I do not believe that opening trails without oversight is the right approach to this issue. If we open trails for general use we create an atmosphere of a free for all. This would put the public at risk and would make it much more difficult to impose restrictions in the future. Most ATV operators do not know the rules regarding operation; some do not believe that there are any rules. If this is done correctly from the inception, using a model for small government that is sustained by the users - in this case ATV registered owners, I believe that all parties concerned will benefit.

Thank you for your consideration,
Scott Arsenault

* All opinions and views expressed are those of the author and in no way is intended to represent those of his employer.

Sec. 14-380. Operation prohibited without valid registration. Exceptions. On or after October 1, 1971, no person shall operate and no owner shall permit the operation of any snowmobile or all-terrain vehicle unless the owner holds a valid, effective registration awarded by this state or by another state or by the United States, provided such state or district of registration grants substantially similar privileges for snowmobiles or all-terrain vehicles owned by residents of this state and registered under its laws, and unless the identification number set forth in such registration is displayed on such snowmobile or all-terrain vehicle as prescribed in section 14-381, provided every resident of this state shall obtain such registration from this state under the provisions of section 14-381, before such operation shall be lawful. The provisions of this section shall not apply (1) to the operation of a snowmobile or all-terrain vehicle on premises owned or leased by the owner of such snowmobile or all-terrain vehicle or (2) to the operation of a snowmobile in any organized contest as long as such snowmobile is operated in the contest area, provided the owner of such snowmobile holds a valid, effective registration awarded by this state or by another state or the United States.

Recommendation: Taken from GGS 14-12h and modified to conform to CGS 14-380, also the confiscation wording for repeat violations was taken from CGS 15-144(h)(3) and modified to CGS 14-380.

14-380. - see above body of statute, the language below would be in addition to that unchanged language.

(a) Any officer empowered to enforce the provisions of this chapter and any other applicable section of the general statutes who finds a snowmobile or all-terrain vehicle which is not numbered or registered in accordance with the provisions of this chapter may

(1) stop or detain such snowmobile or all-terrain vehicle and its operator

(2) issue to the operator a complaint for operating an unregistered snowmobile or all-terrain vehicle, or expired registration if the vehicle is not being operated, in violation of section 14-380, and

(3) If a registration is identified as expired or suspended on the list provided by the commissioner of the Department of Motor Vehicles, or the snowmobile or all-terrain vehicle is not registered such officer may seize and impound the snowmobile or all-terrain vehicle and take it into custody pending proof of payment of proper numbering or registration fees. If an officer seizes and impounds a snowmobile or all-terrain vehicle pursuant to this subdivision, such officer shall give notice to the commissioner in such form as the commissioner may require. The officer shall give such notice not later than three days after seizing and impounding the snowmobile or all-terrain vehicle.

(a) If a registration is identified as expired or suspended on the list provided by the commissioner of the Department of Motor Vehicles, or the snowmobile or all-terrain vehicle is unregistered and such identification is in error, the state shall indemnify any police officer, motor vehicle inspector or constable for any claim for damages made against that individual as a result of such individual's good faith reliance on the accuracy of the list provided by the commissioner and the information given to the officer regarding the confiscation of number plates and impoundment of a snowmobile or all-terrain vehicle pursuant to this subdivision.

(4) Any officer empowered to enforce the provisions of this chapter and any other applicable section of the general statutes who finds a snowmobile or all-terrain vehicle which is not numbered or registered in accordance with the provisions of this chapter and such discovery is subsequent to a violation of this chapter or chapters 14-386, 14-386a and 14-387 may make application to the court for a warrant to seize such snowmobile or all-terrain vehicle and take it into custody until such time that the court determines to forfeit or return the snowmobile or all-terrain vehicle.

(5) Any snowmobile or all-terrain vehicle which has been impounded in accordance with the provisions of subdivision (3) of this section that is not reclaimed by the owner of such snowmobile or all-terrain vehicle within forty-five days after impounding, shall be subject to forfeiture to the state or agency which was responsible for the impoundment.

Sec.#	WORDING FOR VIOLATION	M/I	PEN. SEC.	SSSS	MISCELLANEOUS
14-380	OPERATING W/O VALID REGISTRATION	I	14-388	75	
14-381	IMPROPER DISPLAY OF REGISTRATION NUMBER OR PLATE, OR FAILURE TO CARRY REGISTRATION	I	14-388	75	
14-382	FAILURE TO REPORT CHANGE OF ADDRESS	I	14-388	75	
14-386(b)	FAILURE TO STOP UPON REQUEST OF AUTHORIZED PERSON	I	14-386b	93	
14-386a(1)	UNREASONABLE SPEED	I	14-386a	188	FOR EXISTING CONDITIONS
14-386a(2)	NEGLIGENT OPERATION OF ATV OR SNOWMOBILE	I	14-386a	188	ENDANGER PERSON OR PROPERTY
14-386a(3)	OPERATION OF ATV OR SNOWMOBILE UNDER THE INFLUENCE	M	14-386a(3)	188	PER 14-227a(4)
14-387(1)	OPERATION ON A PUBLIC HIGHWAY, FAILURE TO STOP OR YIELD RIGHT OF WAY BEFORE CROSSING PUBLIC HIGHWAY	I	14-387	93	
14-387(2)	EXCESSIVE OR UNUSUAL NOISE FROM EXHAUST SYSTEM	I	14-387	93	
14-387(3)	OPERATING WITHOUT A FUNCTIONING MUFFLER, IMPROPER BRAKES OR INSUFFICIENT LIGHTING / REFLECTING DEVICES	I	14-387	93	
14-387(3)*	OPERATING AN ATV WITH AN ENGINE SIZE OF 90C.C. OR LESS AFTER DARK	I	14-387	181	
14-387(4)	HARRASSMENT OF GAME OR DOMESTIC ANIMAL	I	14-387	117	
14-387(5)	OPERATING ON FENCED AGRICULTURAL LAND OR MUNICIPALITY-CONTROLLED AREA	I	14-387	93	WITHOUT WRITTEN PERMISSION
14-387(5)*	FAILURE TO CARRY WRITTEN PERMISSION TO OPERATE [ANY STATE OR MUNICIPAL LAND, OR OPERATING ON ANY USED RAILROAD RIGHT OF WAY	I	14-387	93	POSTED OR FENCED PRIVATE LAND]
14-387(6)	OPERATING ON ANY USED RAILROAD RIGHT OF WAY	I	14-387	93	
23-4-2(g)	USE OF ATV OR SNOWMOBILE IN UNAUTHORIZED AREA	I		75	STATE PARKS AND FORESTS
23-26b(a)	OPERATION OF ALL-TERRAIN VEHICLE WITHOUT REGISTRATION OR CERTIFICATE.	I	23-26(g)	75	STATE LAND
23-26c	OP. OF ALL-TERRAIN VEHICLE UNDERAGE OR WITHOUT SUPERVISION AND CERTIFICATE	I	23-26(g)	136	STATE LAND 12 TO 16 YEARS OLD
23-26f	VIOLATION OF ALL-TERRAIN REGULATIONS	I	23-26(g)	75	NO REGS.
23-26g(b)	PERMITTING OPERATION OF ATV ON STATE LAND BY PERSON WITHOUT CERTIFICATE, UNDERAGE OR WITHOUT SUPERVISION	I	23-26(g)	136	KNOWINGLY LETS LESS THAN 18 YEAR OLD OP. ON STATE LAND
14-390f	DEALER FAILING TO COMPLY WITH SAFETY NOTICE REQUIREMENTS FOR SALE, LEASE, RENTAL OF ATV'S	I	14-390(f)(c)	136	
14-385	RENTING OR LEASING W/O SAFETY DEVICES AND EQUIPMENT AS REQUIRED BY LAW	I	14-388	136	
14-385*	RENTING OR LEASING OF SNOWMOBILES OR ATV'S, W/O REQUIRED RECORDS	I	14-388	75	
14-386(3)	THE OPERATOR OR OWNER, OR BOTH, OF A SNOWMOBILE OR ALL-TERRAIN VEHICLE, SHALL BE RESPONSIBLE AND HELD ACCOUNTABLE TO THE OWNER OF ANY LAND WHERE TREES, SHRUBS, CROPS, FENCES OR OTHER PROPERTY HAVE BEEN DAMAGED AS A RESULT OF TRAVEL OF SUCH SNOWMOBILES OR ALL-TERRAIN VEHICLES OVER SUCH LAND, OR WHERE CONSEQUENTIAL DAMAGE HAS RESULTED FROM SUCH TRAVEL. PROOF OF THE REGISTRATION NUMBER OF THE SNOWMOBILE OR ALL-TERRAIN VEHICLE SHALL BE PRIMA FACIE EVIDENCE IN ANY PROSECUTION OR ACTION FOR DAMAGES THAT THE OWNER WAS THE OPERATOR.				STATE LAND - USE CO-853 REV. 07

CONNECTICUT RECIPROCIITY

STATE	ATV	SNOWMOBILE
PENNSYLVANIA	YES	YES
MAINE	NO	NO
MARYLAND	NO	NO
NEW BRUNSWICK CA	YES *WITH INSURANCE AND TRAIL STICKER	YES *WITH INSURANCE AND TRAIL STICKER
NEW HAMPSHIRE	NO	NO
NEW YORK	YES	NO
RODE ISLAND	NO	NO
VERMONT	YES *NEED TRAIL STICKER ON TRAILS, NOT ON ICE NO REGISTRATION REQUIRED	YES *NEED TRAIL STICKER ON TRAILS, NOT ON ICE NO REGISTRATION REQUIRED
WEST VIRGINIA	NO	NO

