



Senate

General Assembly

File No. 339

February Session, 2010

Substitute Senate Bill No. 227

Senate, April 7, 2010

The Committee on Planning and Development reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE UNAUTHORIZED USE OF ALL-TERRAIN VEHICLES AND SNOWMOBILES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-388 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 Except as otherwise provided, any person who violates any of
4 sections 14-379 to 14-390, inclusive, or any regulation relating thereto
5 shall have committed an infraction for each such offense, except that
6 any person who violates subdivision (5) of section 14-387 shall be fined
7 not more than one hundred eighty-six dollars. In addition thereto the
8 operator or owner, or both, of a snowmobile or all-terrain vehicle, shall
9 be responsible and held accountable to the owner of any land where
10 trees, shrubs, crops, fences or other property have been damaged as a
11 result of travel of such snowmobiles or all-terrain vehicles over such
12 land, or where consequential damage has resulted from such travel.
13 Proof of the registration number of the snowmobile or all-terrain

14 vehicle shall be prima facie evidence in any prosecution or action for
15 damages that the owner was the operator.

16 Sec. 2. Section 51-164n of the 2010 supplement to the general statutes
17 is repealed and the following is substituted in lieu thereof (*Effective*
18 *October 1, 2010*):

19 (a) There shall be a Centralized Infractions Bureau of the Superior
20 Court to handle payments or pleas of not guilty with respect to the
21 commission of infractions and violations under subsection (b) of this
22 section. Except as provided in section 51-164o, any person who is
23 alleged to have committed an infraction or a violation under
24 subsection (b) of this section may plead not guilty or pay the
25 established fine and any additional fee or cost for the infraction or such
26 violation.

27 (b) Notwithstanding any provision of the general statutes, any
28 person who is alleged to have committed (1) a violation under the
29 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
30 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
31 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,
32 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
33 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
34 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
35 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
36 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
37 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
38 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
39 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
40 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
41 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
42 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
43 14-153 or 14-163b, a first violation as specified in subsection (f) of
44 section 14-164i, section 14-219 as specified in subsection (e) of said
45 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
46 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,

47 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of
48 section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321,
49 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section
50 14-386a, subdivision (5) of section 14-387, section 15-33, subsection (a)
51 of section 15-115, section 16-256, 16-256e, 16a-15 or 16a-22, subsection
52 (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152,
53 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734, subsection (b) of
54 section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b)
55 of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219,
56 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335,
57 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-
58 158, 20-231, 20-257, 20-265 or 20-324e, subsection (a) of section 20-341,
59 section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47,
60 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of
61 section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b)
62 of section 21a-79, section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15,
63 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-
64 39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-
65 111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342,
66 subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-391, 22-
67 413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-
68 250, subsection (e) of section 22a-256h, section 22a-381d, 22a-449, 22a-
69 461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-65,
70 section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-
71 59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-
72 132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-
73 13, 29-6a, 29-109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or
74 (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-210, 29-243,
75 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381,
76 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18,
77 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47,
78 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of
79 section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-
80 134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-230,
81 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,

82 section 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-38kk,
83 47-34a, 47-47, 49-8a, 49-16 or 53-133, or section 53-212a, 53-249a, 53-252,
84 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344
85 or 53-450, or (2) a violation under the provisions of chapter 268, or (3) a
86 violation of any regulation adopted in accordance with the provisions
87 of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance,
88 regulation or bylaw of any town, city or borough, except violations of
89 building codes and the health code, for which the penalty exceeds
90 ninety dollars but does not exceed two hundred fifty dollars, unless
91 such town, city or borough has established a payment and hearing
92 procedure for such violation pursuant to section 7-152c, shall follow
93 the procedures set forth in this section.

94 (c) If any person who is alleged to have committed an infraction or
95 any violation specified in subsection (b) of this section elects to pay the
96 fine and any additional fees or costs established for such infraction or
97 violation, he shall send payment, by mail or otherwise, to the
98 Centralized Infractions Bureau, made payable to the "clerk of the
99 Superior Court". Such payment shall be considered a plea of nolo
100 contendere and shall be inadmissible in any proceeding, civil or
101 criminal, to establish the conduct of the person, provided the
102 provisions of this section and section 51-164m shall not affect the
103 application of any administrative sanctions by either the
104 Commissioner of Environmental Protection authorized under title 26
105 or the Commissioner of Motor Vehicles authorized under title 14,
106 except that no points shall be assessed by the Commissioner of Motor
107 Vehicles against the operator's license of such person for such
108 infraction or violation. The Judicial Department shall provide notice of
109 the provisions of this subsection to law enforcement agencies and
110 direct each law enforcement agency issuing a complaint to provide
111 such notice to any person who is alleged to have committed a motor
112 vehicle infraction or violation at the time a complaint alleging such
113 conduct is issued to such person.

114 (d) If the person elects to plead not guilty, he shall send the plea of
115 not guilty to the Centralized Infractions Bureau. The bureau shall send

116 such plea and request for trial to the clerk of the geographical area
117 where the trial is to be conducted. Such clerk shall advise such person
118 of a date certain for a hearing.

119 (e) A summons for the commission of an infraction or of a violation
120 specified in subsection (b) of this section shall not be deemed to be an
121 arrest and the commission of an infraction or of any such violation
122 shall not be deemed to be an offense within the meaning of section 53a-
123 24.

124 (f) The provisions of this section shall apply to the alleged
125 commission of an infraction or a violation specified in subsection (b) of
126 this section by a minor but, in a case involving a minor, a parent or
127 guardian shall sign any plea of nolo contendere or of not guilty on any
128 summons form issued in connection with the matter.

129 (g) In any trial for the alleged commission of an infraction, the
130 practice, procedure, rules of evidence and burden of proof applicable
131 in criminal proceedings shall apply. Any person found guilty at the
132 trial or upon a plea shall be guilty of the commission of an infraction
133 and shall be fined not less than thirty-five dollars or more than ninety
134 dollars.

135 (h) In any trial for the alleged commission of a violation specified in
136 subsection (b) of this section, the practice, procedure, rules of evidence
137 and burden of proof applicable in criminal proceedings shall apply.
138 Any person found guilty at the trial or upon a plea shall be guilty of
139 the commission of a violation and shall be fined not more than the
140 statutory amount applicable to such violation.

141 Sec. 3. Section 51-56a of the general statutes is repealed and the
142 following is substituted in lieu thereof (*Effective October 1, 2010*):

143 (a) Each clerk of the Supreme Court and Superior Court shall
144 account for and pay or deposit all fees, fines, forfeitures and
145 contributions made to the Criminal Injuries Compensation Fund and
146 the proceeds of judgments of such clerk's office in the manner

147 provided by section 4-32. If any such clerk fails to so account and pay
148 or deposit, such failure shall be reported by the Treasurer to the Chief
149 Court Administrator who may thereupon remove the clerk. When any
150 such clerk dies before so accounting and paying or depositing, the
151 Treasurer shall require the executor of such clerk's will or
152 administrator of such clerk's estate to so account. If any such clerk is
153 removed from office, the Treasurer shall require such clerk to account
154 for any money of the state remaining in such clerk's hands at the time
155 of such removal and, if such clerk neglects to so account, the Treasurer
156 shall certify the neglect to the Chief Court Administrator.

157 (b) The state shall remit to the municipalities in which the violations
158 occurred all amounts received in respect to the violation of sections 14-
159 251, 14-252, 14-253a and 14-305 to 14-308, inclusive, or any regulation
160 adopted thereunder or ordinance enacted in accordance therewith, and
161 one-half of all amounts received in respect to the violation of
162 subdivision (5) of section 14-387. Each clerk of the Superior Court or
163 the Chief Court Administrator, or any other official of the Superior
164 Court designated by the Chief Court Administrator, shall, on or before
165 the thirtieth day of January, April, July and October in each year,
166 certify to the Comptroller the amount due for the previous quarter
167 under this subsection to each municipality served by the office of the
168 clerk or official, provided prior to the institution of court proceedings,
169 a city, town or borough shall have the authority to collect and retain all
170 proceeds from parking violations committed within the jurisdiction of
171 such city, town or borough.

172 (c) For the purpose of providing additional funds for municipal and
173 state police training, each person who pays in any sum as (1) a fine or
174 forfeiture for any violation of section 14-12, 14-215, 14-219, 14-222, 14-
175 224, 14-225, 14-227a, 14-266, 14-267a, 14-269 or 14-283, or (2) a fine or
176 forfeiture for any infraction, shall pay an additional fee of one dollar
177 for each eight dollars or fraction thereof of the amount such person is
178 required to pay, except if such payment is made for violation of such a
179 section which is deemed to be an infraction, such additional fee shall
180 be only on the first eighty-eight dollars of such fine or forfeiture. Such

181 additional fee charged shall be deposited in the General Fund.

182 (d) Each person who pays in any sum as a fine or forfeiture for any
 183 violation of sections 14-218a, 14-219, 14-222, 14-223, 14-227a, sections
 184 14-230 to 14-240, inclusive, sections 14-241 to 14-249, inclusive, section
 185 14-279 for the first offense, sections 14-289b, 14-299, 14-301 to 14-303,
 186 inclusive, or any regulation adopted under said sections or ordinance
 187 enacted in accordance with said sections shall pay an additional fee of
 188 ten dollars. The state shall remit to the municipalities in which the
 189 violations occurred the amounts paid under this subsection. Each clerk
 190 of the Superior Court or the Chief Court Administrator, or any other
 191 official of the Superior Court designated by the Chief Court
 192 Administrator, on or before the thirtieth day of January, April, July
 193 and October in each year, shall certify to the Comptroller the amount
 194 due for the previous quarter under this subsection to each
 195 municipality served by the office of the clerk or official.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	14-388
Sec. 2	<i>October 1, 2010</i>	51-164n
Sec. 3	<i>October 1, 2010</i>	51-56a

PD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Judicial Dept.	GF - Potential Revenue Loss	Up to 3,100	Up to 4,100

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 11 \$	FY 12 \$
Various Municipalities	Revenue Gain	Up to 6,400	Up to 8,500

Explanation

Municipalities in aggregate would gain up to \$8,500 annually in revenue under the bill. Provided that the maximum fine allowable under the bill (\$185) is established, there would be no impact on the state; however, if the fine established under the bill is less than \$185, the state would lose revenue.

The bill would increase the penalty for unauthorized use of an all-terrain vehicle (ATV) or snowmobile on state, municipal and private property to no more than \$185, which is double the current fine. The bill requires one-half of all revenues collected under the fine to be remitted to the municipalities in which the violations occurred. In 2008, 89 fines were issued for unauthorized use of an ATV on state, municipal and private property, totaling \$8,566 in revenue collected.

Note that the FY 11 revenue impact is 75% of the annualized (FY 12) amounts since the effective date of the bill is October 1, 2010.

The Out Years

The annualized ongoing revenue identified above would remain

constant into the future since fine amounts are set by statute.

Sources: Quarterly Reports of the Judicial Department

OLR Bill Analysis**sSB 227*****AN ACT CONCERNING THE UNAUTHORIZED USE OF ALL-TERRAIN VEHICLES AND SNOWMOBILES.*****SUMMARY:**

This bill raises the fine for using a snowmobile or all-terrain vehicle (ATV) on any land without written permission of (1) the owner, in the case of private property, or (2) a state agency or municipality, in the case of state or municipal property. Under current law, a violation is an infraction that carries a \$93 fine set by the court. The bill establishes the fine in statute at a maximum of \$186, subject to Centralized Infractions Bureau procedures.

The bill requires half of the fine go to the state and half to the town where the violation occurred.

EFFECTIVE DATE: October 1, 2010

BACKGROUND***Unauthorized Uses of a Snowmobile or All-Terrain Vehicle***

Unauthorized use of a snowmobile or ATV includes operating:

1. on any public road, except when crossing under specified circumstances;
2. in such a manner that the exhaust makes an excessive or unusual noise;
3. without a muffler, operating brakes, and sufficient and adequate front and rear lighting and reflecting devices (except an all-terrain vehicle with a 90-cubic centimeter smaller engine or does not have to have front and rear lighting and cannot be operated after dark);

4. in a manner to harass wild or domestic animals;
5. on private property without the written permission of the owner;
6. on state property without the written permission of the state agency responsible for the land;
7. on municipal property without the written permission of the municipality; and
8. on any railroad right-of-way.

Infractions

Infractions are not crimes. They are subject to the Centralized Infractions Bureau procedures, which allow the accused to pay the fine by mail without making a court appearance. The bureau will enter a nolo contendere (no contest) plea on behalf of anyone who pays a fine in this way. The plea is inadmissible in any criminal or civil court proceeding against the accused.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/22/2010)