



House of Representatives

General Assembly

File No. 178

January Session, 2011

House Bill No. 6261

House of Representatives, March 23, 2011

The Committee on Planning and Development reported through REP. GENTILE of the 104th Dist., Chairperson of the Committee on the part of the House, that the 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 Section 14-387 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 No person shall operate a snowmobile or all-terrain vehicle in the
4 following manner: (1) On any public highway, except such
5 snowmobile or all-terrain vehicle, if operated by a licensed motor
6 vehicle operator, may cross a public highway if the crossing is made at
7 an angle of approximately ninety degrees to the direction of the
8 highway and at a location where no obstruction prevents a quick and
9 safe crossing, the snowmobile or all-terrain vehicle is completely
10 stopped before entering the traveled portion of the highway and the
11 driver yields the right-of-way to motor vehicles using the highway,
12 provided nothing in this subsection shall be construed to permit the
13 operation of a snowmobile or all-terrain vehicle on a limited access
14 highway, as defined in subsection (a) of section 13a-1; (2) in such a

15 manner that the exhaust of the snowmobile or all-terrain vehicle makes
16 an excessive or unusual noise; (3) without a functioning muffler,
17 subject to the provisions of section 14-80, properly operating brakes,
18 sufficient and adequate front and rear lighting and reflecting devices,
19 except an all-terrain vehicle with an engine size of ninety cubic
20 centimeters or less shall not be required to be equipped with front and
21 rear lighting and shall not be operated after dark; (4) in any manner
22 which would cause harassment of any game or domestic animal; (5) on
23 any land without the written permission of the owner, or the agent of
24 the owner, or in the case of state-owned land, without the written
25 permission of the state agency or institution under whose control such
26 land is, or in the case of land under the jurisdiction of a local
27 municipality without the written permission of such municipality,
28 which written permission shall be carried on the person operating the
29 all-terrain vehicle while on such land; and (6) on any railroad right-of-
30 way. Nothing in sections 14-379 to 14-390, inclusive, shall preclude the
31 operation of a snowmobile or all-terrain vehicle (A) on the frozen
32 surface of any public body of water, provided any municipality may
33 by ordinance regulate the hours of operation of snowmobiles and all-
34 terrain vehicles on public waters within such municipality and
35 provided the operation of a snowmobile or all-terrain vehicle shall be
36 subject to the provisions of section 25-43c; or (B) on any abandoned or
37 disused railroad right-of-way or in any place or upon any land
38 specifically designated for the operation of snowmobiles and all-
39 terrain vehicles by statute, regulation or local ordinance. Any person
40 who violates any provision of this section shall have committed a
41 separate [infractio]n offense for each such violation.

42 Sec. 2. Section 14-388 of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective October 1, 2011*):

44 Except as otherwise provided, any person who violates any of
45 sections 14-379 to 14-390, inclusive, or any regulation relating thereto
46 shall have committed an infractio]n for each such offense, except that
47 any person who violates subdivision (5) of section 14-387, as amended
48 by this act, shall be fined one hundred eighty dollars. In addition

49 thereto the operator or owner, or both, of a snowmobile or all-terrain
50 vehicle, shall be responsible and held accountable to the owner of any
51 land where trees, shrubs, crops, fences or other property have been
52 damaged as a result of travel of such snowmobiles or all-terrain
53 vehicles over such land, or where consequential damage has resulted
54 from such travel. Proof of the registration number of the snowmobile
55 or all-terrain vehicle shall be prima facie evidence in any prosecution
56 or action for damages that the owner was the operator.

57 Sec. 3. Section 51-164n of the general statutes is repealed and the
58 following is substituted in lieu thereof (*Effective October 1, 2011*):

59 (a) There shall be a Centralized Infractions Bureau of the Superior
60 Court to handle payments or pleas of not guilty with respect to the
61 commission of infractions and violations under subsection (b) of this
62 section. Except as provided in section 51-164o, any person who is
63 alleged to have committed an infraction or a violation under
64 subsection (b) of this section may plead not guilty or pay the
65 established fine and any additional fee or cost for the infraction or such
66 violation.

67 (b) Notwithstanding any provision of the general statutes, any
68 person who is alleged to have committed (1) a violation under the
69 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
70 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
71 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,
72 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
73 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
74 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
75 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
76 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
77 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
78 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
79 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
80 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
81 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-

82 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
83 14-153 or 14-163b, a first violation as specified in subsection (f) of
84 section 14-164i, section 14-219 as specified in subsection (e) of said
85 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
86 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
87 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of
88 section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321,
89 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section
90 14-386a, subdivision (5) of section 14-387, as amended by this act,
91 section 15-33, subsection (a) of section 15-115, section 16-256, 16-256e,
92 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24,
93 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137
94 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33,
95 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-
96 105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-
97 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-
98 425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or 20-324e,
99 section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47,
100 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of
101 section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b)
102 of section 21a-79, section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15,
103 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-
104 39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-
105 111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342,
106 subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-391, 22-
107 413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-
108 250, subsection (e) of section 22a-256h, section 22a-381d, 22a-449, 22a-
109 461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-65,
110 section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-
111 59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-
112 132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-
113 13, 29-6a, 29-109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or
114 (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-210, 29-243,
115 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381,
116 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18,

117 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47,
118 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of
119 section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-
120 134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-230,
121 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,
122 section 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-38kk,
123 47-34a, 47-47, 49-8a, 49-16 or 53-133, or section 53-212a, 53-249a, 53-252,
124 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344
125 or 53-450, or (2) a violation under the provisions of chapter 268, or (3) a
126 violation of any regulation adopted in accordance with the provisions
127 of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance,
128 regulation or bylaw of any town, city or borough, except violations of
129 building codes and the health code, for which the penalty exceeds
130 ninety dollars but does not exceed two hundred fifty dollars, unless
131 such town, city or borough has established a payment and hearing
132 procedure for such violation pursuant to section 7-152c, shall follow
133 the procedures set forth in this section.

134 (c) If any person who is alleged to have committed an infraction or
135 any violation specified in subsection (b) of this section elects to pay the
136 fine and any additional fees or costs established for such infraction or
137 violation, he shall send payment, by mail or otherwise, to the
138 Centralized Infractions Bureau, made payable to the "clerk of the
139 Superior Court". Such payment shall be considered a plea of nolo
140 contendere and shall be inadmissible in any proceeding, civil or
141 criminal, to establish the conduct of the person, provided the
142 provisions of this section and section 51-164m shall not affect the
143 application of any administrative sanctions by either the
144 Commissioner of Environmental Protection authorized under title 26
145 or the Commissioner of Motor Vehicles authorized under title 14,
146 except that no points shall be assessed by the Commissioner of Motor
147 Vehicles against the operator's license of such person for such
148 infraction or violation. The Judicial Department shall provide notice of
149 the provisions of this subsection to law enforcement agencies and
150 direct each law enforcement agency issuing a complaint to provide
151 such notice to any person who is alleged to have committed a motor

152 vehicle infraction or violation at the time a complaint alleging such
153 conduct is issued to such person.

154 (d) If the person elects to plead not guilty, he shall send the plea of
155 not guilty to the Centralized Infractions Bureau. The bureau shall send
156 such plea and request for trial to the clerk of the geographical area
157 where the trial is to be conducted. Such clerk shall advise such person
158 of a date certain for a hearing.

159 (e) A summons for the commission of an infraction or of a violation
160 specified in subsection (b) of this section shall not be deemed to be an
161 arrest and the commission of an infraction or of any such violation
162 shall not be deemed to be an offense within the meaning of section 53a-
163 24.

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

169 (g) In any trial for the alleged commission of an infraction, the
170 practice, procedure, rules of evidence and burden of proof applicable
171 in criminal proceedings shall apply. Any person found guilty at the
172 trial or upon a plea shall be guilty of the commission of an infraction
173 and shall be fined not less than thirty-five dollars or more than ninety
174 dollars or, if the infraction is for a violation of any provision of title 14,
175 not less than fifty dollars or more than ninety dollars.

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

182 Sec. 4. Section 51-56a of the general statutes is repealed and the

183 following is substituted in lieu thereof (*Effective October 1, 2011*):

184 (a) Each clerk of the Supreme Court and Superior Court shall
185 account for and pay or deposit all fees, fines, forfeitures and
186 contributions made to the Criminal Injuries Compensation Fund and
187 the proceeds of judgments of such clerk's office in the manner
188 provided by section 4-32. If any such clerk fails to so account and pay
189 or deposit, such failure shall be reported by the Treasurer to the Chief
190 Court Administrator who may thereupon remove the clerk. When any
191 such clerk dies before so accounting and paying or depositing, the
192 Treasurer shall require the executor of such clerk's will or
193 administrator of such clerk's estate to so account. If any such clerk is
194 removed from office, the Treasurer shall require such clerk to account
195 for any money of the state remaining in such clerk's hands at the time
196 of such removal and, if such clerk neglects to so account, the Treasurer
197 shall certify the neglect to the Chief Court Administrator.

198 (b) The state shall remit to the municipalities in which the violations
199 occurred all amounts received in respect to the violation of sections 14-
200 251, 14-252, 14-253a and 14-305 to 14-308, inclusive, or any regulation
201 adopted thereunder or ordinance enacted in accordance therewith, and
202 one-half of all amounts received in respect to the violation of
203 subdivision (5) of section 14-387, as amended by this act. Each clerk of
204 the Superior Court or the Chief Court Administrator, or any other
205 official of the Superior Court designated by the Chief Court
206 Administrator, shall, on or before the thirtieth day of January, April,
207 July and October in each year, certify to the Comptroller the amount
208 due for the previous quarter under this subsection to each
209 municipality served by the office of the clerk or official, provided prior
210 to the institution of court proceedings, a city, town or borough shall
211 have the authority to collect and retain all proceeds from parking
212 violations committed within the jurisdiction of such city, town or
213 borough.

214 (c) For the purpose of providing additional funds for municipal and
215 state police training, each person who pays in any sum as (1) a fine or

216 forfeiture for any violation of section 14-12, 14-215, 14-219, 14-222, 14-
 217 224, 14-225, 14-227a, 14-266, 14-267a, 14-269 or 14-283, or (2) a fine or
 218 forfeiture for any infraction, shall pay an additional fee of one dollar
 219 for each eight dollars or fraction thereof of the amount such person is
 220 required to pay, except if such payment is made for violation of such a
 221 section which is deemed to be an infraction, such additional fee shall
 222 be only on the first eighty-eight dollars of such fine or forfeiture. Such
 223 additional fee charged shall be deposited in the General Fund.

224 (d) Each person who pays in any sum as a fine or forfeiture for any
 225 violation of sections 14-218a, 14-219, 14-222, 14-223, 14-227a, sections
 226 14-230 to 14-240, inclusive, sections 14-241 to 14-249, inclusive, section
 227 14-279 for the first offense, sections 14-289b, 14-299, 14-301 to 14-303,
 228 inclusive, or any regulation adopted under said sections or ordinance
 229 enacted in accordance with said sections shall pay an additional fee of
 230 ten dollars. The state shall remit to the municipalities in which the
 231 violations occurred the amounts paid under this subsection. Each clerk
 232 of the Superior Court or the Chief Court Administrator, or any other
 233 official of the Superior Court designated by the Chief Court
 234 Administrator, on or before the thirtieth day of January, April, July
 235 and October in each year, shall certify to the Comptroller the amount
 236 due for the previous quarter under this subsection to each
 237 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, 2011</i>	14-387
Sec. 2	<i>October 1, 2011</i>	14-388
Sec. 3	<i>October 1, 2011</i>	51-164n
Sec. 4	<i>October 1, 2011</i>	51-56a

PD *Joint Favorable*

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: None

Municipal Impact:

Municipalities	Effect	FY 12 \$	FY 13 \$
Various Municipalities	Revenue Gain	\$3,600	\$3,600

Explanation

The bill would result in a minimal revenue gain to municipalities of up to \$3,600. This estimate is based on an annual 40 infractions for unauthorized use of an ATV on state, municipal and private property and a collection of an estimated \$7,200 annually.¹ Under the bill, 50% of fine revenue collected would be remitted to the municipalities in which the violations occurred.

Increasing the fine from \$90 to \$180 would offset any potential revenue loss to the state that would occur due to revenue being remitted to municipalities.

The Out Years

The annualized ongoing revenue identified above would remain constant into the future since fine amounts are set by statute.

Sources: Judicial Quarterly Reports

¹ In 2010, 39 fines were issued for unauthorized use of an ATV on state, municipal and private property, totaling \$3,893 in revenue collected.

OLR Bill Analysis**HB 6261*****AN ACT CONCERNING THE UNAUTHORIZED USE OF ALL-TERRAIN VEHICLES AND SNOWMOBILES.*****SUMMARY:**

This bill raises from \$117 to \$180, 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. It sets the fine in statute instead of having the court set it and makes violation an offense instead of an infraction. As under current law, payment is 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, 2011

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 or 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

Yea 20 Nay 0 (03/07/2011)