



House of Representatives

General Assembly

File No. 413

January Session, 2011

Substitute House Bill No. 6574

House of Representatives, April 6, 2011

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT INCREASING THE PERMISSIBLE SIZE AND WEIGHT OF ALL-TERRAIN VEHICLES AND PROVIDING FUNDS FOR THE ESTABLISHMENT AND MAINTENANCE OF TRAILS ON STATE LAND FOR USE BY SUCH VEHICLES.

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

1 Section 1. Section 23-26a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

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

12 Sec. 2. Subsection (a) of section 23-26b of the general statutes is

13 repealed and the following is substituted in lieu thereof (*Effective*
14 *October 1, 2011*):

15 (a) No person shall operate an all-terrain vehicle on state land
16 without first obtaining a certificate from the Commissioner of
17 Environmental Protection and unless such vehicle is registered
18 pursuant to section 14-380. No certificate to operate an all-terrain
19 vehicle on state land shall be issued to any person [under eighteen
20 years of age] unless such person has completed a safety education
21 course for all-terrain vehicles given pursuant to section 23-26d.

22 Sec. 3. Section 23-26c of the general statutes is repealed and the
23 following is substituted in lieu thereof (*Effective October 1, 2011*):

24 The Commissioner of Environmental Protection shall evaluate the
25 properties under [his] the commissioner's jurisdiction and the
26 jurisdiction of other state agencies for their use by persons operating
27 all-terrain vehicles and, not later than July 1, 2012, shall make available
28 [some] a portion of three such properties that are located in different
29 counties, for such use. In making such properties available the
30 commissioner shall consider minimizing the impact of all-terrain
31 vehicles on the environment. Before making any property available
32 that is under the jurisdiction of another state agency, the commissioner
33 shall consult with such agency.

34 Sec. 4. Subsection (b) of section 23-26g of the general statutes is
35 repealed and the following is substituted in lieu thereof (*Effective*
36 *October 1, 2011*):

37 (b) Any person who (1) knowingly permits a person [less than
38 eighteen years of age] who has not obtained a certificate pursuant to
39 section 23-26b, as amended by this act, to operate an all-terrain vehicle
40 on state land, (2) permits a person less than twelve years of age to
41 operate an all-terrain vehicle on state land, or (3) allows a person
42 between twelve and sixteen years of age to operate an all-terrain
43 vehicle on state land without being supervised by a person more than
44 eighteen years of age, shall have committed an infraction.

45 Sec. 5. Section 14-381 of the general statutes is repealed and the
46 following is substituted in lieu thereof (*Effective July 1, 2011*):

47 (a) Any owner required to register a snowmobile or all-terrain
48 vehicle shall apply to the [commissioner] Commissioner of Motor
49 Vehicles and shall file evidence of ownership by affidavit or document.
50 Upon receipt of an application in proper form and the registration fee,
51 the commissioner shall assign an identification number and provide
52 the owner with a certificate of registration and registration plate. The
53 registration plate, which shall be affixed by the owner, shall be
54 displayed on the snowmobile or all-terrain vehicle at a place and in a
55 manner prescribed by the commissioner. In addition to such
56 registration plate, each snowmobile and all-terrain vehicle so
57 registered shall display its registration number on each side of its front
58 section, midway between the top and bottom of said front section, in
59 letters or numbers at least three inches in height and made of a
60 reflective material. The certificate of registration shall be carried on
61 such snowmobile or all-terrain vehicle and shall be available for
62 inspection whenever such snowmobile or all-terrain vehicle is being
63 operated. The owner shall pay a fee of twenty dollars for each
64 snowmobile or all-terrain vehicle so registered. Each such certificate of
65 registration shall expire biennially on the last day of March.

66 (b) All fees collected for the registration of each all-terrain vehicle
67 shall be deposited in the General Fund and credited to the
68 appropriations of the Department of Environmental Protection. Such
69 fees shall be used to establish and maintain trails for such vehicles on
70 properties made available by the Commissioner of Environmental
71 Protection pursuant to section 23-26c, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	23-26a
Sec. 2	<i>October 1, 2011</i>	23-26b(a)
Sec. 3	<i>October 1, 2011</i>	23-26c
Sec. 4	<i>October 1, 2011</i>	23-26g(b)

Sec. 5	<i>July 1, 2011</i>	14-381
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TRA *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 12 \$	FY 13 \$
Department of Environmental Protection	GF - Cost	None	Up to 3,000,000
Department of Environmental Protection	GF - Revenue Gain	50,000	50,000
Department of Motor Vehicles	TF - Revenue Loss	50,000	50,000

Note: GF=General Fund; TF=Transportation Fund

Municipal Impact: None

Explanation

The bill requires the Department of Environmental Protection (DEP) to set aside three state properties for use by all-terrain vehicle (ATV) riders by July 1, 2012. This is anticipated to cost DEP up to \$3.0 million in FY 13 (up to \$1.0 million for each area) for design and construction, parking areas, and lavatory facilities.

The bill also results in a revenue loss of approximately \$50,000 per year to the Special Transportation Fund and a corresponding revenue gain to DEP's General Fund appropriations in both FY 12 and FY 13 as a result of redirecting registration fees collected from ATV's. The bill specifies that this \$50,000 revenue gain to DEP's General Fund would be used to establish and maintain trails for ATV's.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to 1) inflation, 2) actual costs of the initial establishment of ATV trails, 3) annual trail maintenance costs, and 4) actual annual registration revenues generated from ATV's.

OLR Bill Analysis

sHB 6574

AN ACT INCREASING THE PERMISSIBLE SIZE AND WEIGHT OF ALL-TERRAIN VEHICLES AND PROVIDING FUNDS FOR THE ESTABLISHMENT AND MAINTENANCE OF TRAILS ON STATE LAND FOR USE BY SUCH VEHICLES.

SUMMARY:

This bill:

1. increases the size and weight of vehicles considered all-terrain vehicles (ATVs), thereby allowing larger vehicles to operate on state land in certain instances;
2. specifies that the Department of Environmental Protection (DEP) commissioner's duty to set aside state property for use by ATV riders includes making available, by July 1, 2012, portions of three state properties located in different counties for such use;
3. requires that all fees collected for the registration of ATVs be deposited in the General Fund, rather than the Special Transportation Fund, and credited to DEP for establishing and maintaining ATV trails on the state property DEP makes available;
4. requires anyone who operates an ATV, rather than only those under age 18, to complete an ATV safety education course and obtain a safety certificate before operating one on state land; and
5. makes it an infraction to knowingly permit someone to operate an ATV without such a safety certificate, regardless of age.

EFFECTIVE DATE: October 1, 2011, except that the provision on ATV registration fees is effective July 1, 2011.

ATV DIMENSIONS, WEIGHT, AND ENGINE SIZE

Under current law, for the purposes of operating on state property, an ATV cannot be more than 50 inches wide, weigh more than 600 pounds, or have an engine with a piston displacement of more than 50 cubic centimeters. Under the bill, an ATV can be up to 60 inches wide, weigh up to 975 pounds, and have up to a five horsepower engine. Current law requires an ATV to have a seat or saddle meant to be straddled. The bill requires only that the seat or saddle be designed for off-road riding.

BACKGROUND

ATV Registration

By law, Connecticut residents must register their ATVs if they plan to operate them on land they neither own nor lease. This requirement applies to any vehicle that is self-propelled, designed to travel over unimproved terrain, and unsuitable for operation on public highways, as determined by the motor vehicles commissioner. Vehicles meeting these criteria are ineligible for a regular motor vehicle registration, but must obtain special registration (CGS §§ 14-379 & 14-380). The cost of registering an ATV is \$20, paid biennially (CGS § 14-381).

Use of State Land by ATVs

By law, the DEP commissioner must evaluate and make available some state land for ATV use. He must consider minimizing the ATVs' impact on the environment and consult with the state agency that owns the land before making it available (CGS § 23-26c).

Related Bill

HB 6261 (File 178), reported by the Planning and Development Committee, increases the fine for using an ATV on any land without the owner's written permission.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/18/2011)