



House of Representatives

General Assembly

File No. 692

January Session, 2013

Substitute House Bill No. 6638

House of Representatives, May 2, 2013

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE MAXIMUM PENALTY FOR VIOLATION OF A MUNICIPAL ORDINANCE REGULATING THE OPERATION OR USE OF A DIRT BIKE, ALL-TERRAIN VEHICLE OR SNOWMOBILE.

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

1 Section 1. (NEW) (*Effective October 1, 2013*) Any municipality may,
2 by ordinance, regulate the operation and use, including hours and
3 zones of use, of dirt bikes, and may prescribe a penalty for violation of
4 such ordinance in an amount not to exceed one thousand dollars for a
5 first violation, an amount not to exceed one thousand five hundred
6 dollars for a second violation and an amount not to exceed two
7 thousand dollars for a third or subsequent violation. For the purposes
8 of this section, "dirt bike" means a two wheeled motorized recreational
9 vehicle designed to travel over unimproved terrain and not designed
10 for travel on a highway, as defined in section 14-1 of the general
11 statutes. "Dirt bike" does not include an all-terrain vehicle, as defined
12 in section 14-379 of the general statutes, or a motor-driven cycle, as
13 defined in section 14-1 of the general statutes.

14 Sec. 2. Section 14-390 of the general statutes is repealed and the
15 following is substituted in lieu thereof (*Effective October 1, 2013*):

16 Any municipality may, by ordinance, regulate the operation and
17 use, including hours and zones of use, of snowmobiles and all-terrain
18 vehicles in a manner not inconsistent with the provisions of sections
19 14-379 to 14-390, inclusive, or any regulations adopted pursuant
20 thereto, and may prescribe a penalty for violation of such ordinance in
21 an amount not to exceed one thousand dollars for a first violation, an
22 amount not to exceed one thousand five hundred dollars for a second
23 violation and an amount not to exceed two thousand dollars for a third
24 or subsequent violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section
Sec. 2	<i>October 1, 2013</i>	14-390

JUD *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: None

Municipal Impact:

Municipalities	Effect	FY 14 \$	FY 15 \$
Various Municipalities	Revenue Gain	Potential	Potential

Explanation

The bill allows municipalities to levy fines for violating a municipal ordinance concerning unlawful operation of a dirt bike, ATV, or snowmobile, of up to; 1) \$1,000 for the first violation; 2) \$1,500 for the second; and 3) \$2,000 for the third and subsequent violations. Under current law, the fine for violating local ordinances and regulations is capped at \$250 unless the statutes specifically provide for a different amount.

It is unknown how much revenue municipalities receive due to violations of municipal ordinances relating to use of dirt bikes, ATVs and snowmobiles. To the extent municipalities choose to increase their fines for such violations, there is a potential revenue increase.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of fines levied.

OLR Bill Analysis**sHB 6638*****AN ACT CONCERNING THE MAXIMUM PENALTY FOR VIOLATION OF A MUNICIPAL ORDINANCE REGULATING THE OPERATION OR USE OF A DIRT BIKE, ALL-TERRAIN VEHICLE OR SNOWMOBILE.*****SUMMARY:**

This bill authorizes municipalities to regulate, by ordinance, dirt bike operation and use, including hours and zones of use. It defines a dirt bike as a two-wheeled motorized recreational vehicle designed to travel over unimproved terrain but not public highways. The definition excludes all-terrain vehicles (ATVs) and motor-driven cycles (see BACKGROUND).

The bill also allows municipalities to set the penalty for violating an ordinance regulating dirt bikes, ATVs, or snowmobiles at no more than:

1. \$1,000 for the first violation,
2. \$1,500 for the second violation, and
3. \$2,000 for the third or subsequent violation.

Under current law municipalities can, by ordinance, regulate the operation and use of snowmobiles and ATVs.

EFFECTIVE DATE: October 1, 2013

BACKGROUND***Capped Fine***

By law, the fine for violating local ordinances and regulations is capped at \$250 unless a statute specifically provides for a different

amount (CGS § 7-148).

ATVs and Motor-Driven Cycles

The statutes define ATVs as 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 (CGS § 14-379). A motor-driven cycle is any motorcycle, motor scooter, or bicycle with an attached motor, a seat height of at least 26 inches, and a motor that produces five brake horsepower or less (CGS § 14-1).

Related Bill

SB 190, reported favorably by the Transportation Committee, allows municipalities to set a penalty of up to \$2,000 for violating an ordinance or regulation on unlawful dirt bike operation and requires the motor vehicles commissioner to conduct a study on implementing a system to issue certificates of title to dirt bike owners.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 44 Nay 0 (04/16/2013)