



House of Representatives

File No. 827

General Assembly

January Session, 2013

(Reprint of File No. 692)

Substitute House Bill No. 6638
As Amended by House Amendment
Schedule "B"

Approved by the Legislative Commissioner
May 17, 2013

**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 that
2 adopts an ordinance pursuant to section 7-148 of the general statutes to
3 regulate the operation and use on public property, including hours of
4 use, of dirt bikes may prescribe a penalty for violation of such
5 ordinance in an amount not to exceed one thousand dollars for a first
6 violation, an amount not to exceed one thousand five hundred dollars
7 for a second violation and an amount not to exceed two thousand
8 dollars for a third or subsequent violation. For the purposes of this
9 section, "dirt bike" means a two-wheeled motorized recreational
10 vehicle designed to travel over unimproved terrain and not designed
11 for travel on a highway, as defined in section 14-1 of the general
12 statutes. "Dirt bike" does not include an all-terrain vehicle, as defined
13 in section 14-379 of the general statutes, or a motor-driven cycle, as
14 defined in section 14-1 of the general statutes.

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 Section 14-390 of the general statutes is repealed and the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

17 Any municipality may, by ordinance, regulate the operation and
18 use, including hours and zones of use, of snowmobiles and all-terrain
19 vehicles in a manner not inconsistent with the provisions of sections
20 14-379 to 14-390, inclusive, or any regulations adopted pursuant
21 thereto, and may prescribe a penalty for violation of such ordinance in
22 an amount not to exceed one thousand dollars for a first violation, an
23 amount not to exceed one thousand five hundred dollars for a second
24 violation and an amount not to exceed two thousand dollars for a third
25 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

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 on public property, or unlawful use of an ATV, or snowmobile anywhere. The bill allows fines 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.

House "B" limits penalties for dirt bike use to use on public property only. This minimally reduces the potential revenue gain in the underlying bill.

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 (as amended by House "B")******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 increases the maximum penalties allowed for violations of municipal ordinances regulating certain dirt bike, all-terrain vehicle (ATV), and snowmobile use. It authorizes municipalities with ordinances on dirt bike operation and use on public property, including hours and zones of use, to set the penalty for violating such ordinance 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.

The bill allows municipalities to adopt the same penalty structure for ordinance violations related to the use and operation of ATVs or snowmobiles. 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).

The bill defines a dirt bike as a two-wheeled motorized recreational vehicle designed to travel over unimproved terrain but not public highways. The definition excludes ATVs and motor-driven cycles (see BACKGROUND).

*House Amendment "B" limits the bill to increasing the potential

maximum penalties for dirt bike use on public property instead of also allowing municipalities to regulate all dirt bike operation and use.

EFFECTIVE DATE: October 1, 2013

BACKGROUND

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)