



Senate

General Assembly

File No. 757

January Session, 2015

Substitute Senate Bill No. 186

Senate, April 30, 2015

The Committee on Judiciary 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 PENALTY FOR VIOLATION OF A MUNICIPAL ORDINANCE REGULATING THE OPERATION OR USE OF A DIRT BIKE OR ALL-TERRAIN VEHICLE AND ALL-TERRAIN VEHICLE POLICY AND PROCEDURES.

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

1 Section 1. Subdivision (10) of subsection (c) of section 7-148 of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2015*):

4 (10) (A) Make all lawful regulations and ordinances in furtherance
5 of any general powers as enumerated in this section, and prescribe
6 penalties for the violation of the same not to exceed two hundred fifty
7 dollars, unless otherwise specifically provided by the general statutes.
8 Such regulations and ordinances may be enforced by citations issued
9 by designated municipal officers or employees, provided the
10 regulations and ordinances have been designated specifically by the
11 municipality for enforcement by citation in the same manner in which
12 they were adopted and the designated municipal officers or employees

13 issue a written warning providing notice of the specific violation
 14 before issuing the citation, except that no such written warning shall
 15 be required for violations of a municipal ordinance regulating the
 16 operation or use of a dirt bike or all-terrain vehicle;

17 (B) Adopt a code of ethical conduct;

18 (C) Establish and maintain free legal aid bureaus;

19 (D) Perform data processing and related administrative computer
 20 services for a fee for another municipality;

21 (E) Adopt the model ordinance concerning a municipal freedom of
 22 information advisory board created under subsection (f) of section 1-
 23 205 and establish a municipal freedom of information advisory board
 24 as provided by said ordinance and said section;

25 (F) Protect the historic or architectural character of properties or
 26 districts that are listed on, or under consideration for listing on, the
 27 National Register of Historic Places, 16a USC 470, or the state register
 28 of historic places, as defined in section 10-410.

29 Sec. 2. (NEW) (*Effective October 1, 2015*) On or before July 1, 2016, the
 30 Department of Energy and Environmental Protection shall implement
 31 the department's proposals concerning all-terrain vehicles, as outlined
 32 in the department's publication dated November, 2002, and entitled:
 33 "All-Terrain Vehicle Policy and Procedures".

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	7-148(c)(10)
Sec. 2	<i>October 1, 2015</i>	New section

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:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Department of Energy and Environmental Protection	GF - Potential Cost	Less than 10,000	None

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 16 \$	FY 17 \$
Various Municipalities	Revenue Gain	Potential Minimal	Potential Minimal

Explanation

The bill allows municipalities to fine, without providing a written warning first, violators of ordinances relating to dirt bike or all-terrain vehicles (ATVs).

Municipalities that have such ordinances may experience a revenue gain to the extent that they impose more fines as a result of the bill. Any revenue gain is expected to be minimal.

The bill also requires the Department of Energy and Environmental Protection (DEEP) to implement any proposals submitted to and approved by the agency concerning the possible use of state land for use by ATVs as outlined in DEEP's 2002 "All-Terrain Vehicle Policy and Procedures" document.

There may be one-time costs, anticipated to be less than \$10,000 in FY 16, associated with providing public notice for, and holding a public meeting within a municipality where proposed ATV project(s)

would be located.

In addition, the policy and procedures document requires a private entity to provide for the security and enforcement, improvements and renovations, operations, maintenance, supervision, and damages to the ATV site, in addition to indemnification and insurance. Thus, these provisions are not anticipated to result in a fiscal impact to the state or municipalities.

The Out Years

There are no annualized ongoing fiscal impacts, as the potential costs described above may occur in FY 16 only.

OLR Bill Analysis**sSB 186*****AN ACT CONCERNING THE PENALTY FOR VIOLATION OF A MUNICIPAL ORDINANCE REGULATING THE OPERATION OR USE OF A DIRT BIKE OR ALL-TERRAIN VEHICLE AND ALL-TERRAIN VEHICLE POLICY AND PROCEDURES.*****SUMMARY:**

This bill subjects a first-time violator of a dirt bike or all-terrain vehicle (ATV) ordinance to a possible fine. It does so by allowing municipal officers or employees to issue citations without providing warning of a dirt bike or ATV violation. Currently, as required for other ordinances enforced by citations, a municipal officer or employee must issue a written warning providing notice of a violation before issuing a citation.

The bill also requires the Department of Energy and Environmental Protection (DEEP) to implement, by July 1, 2016, the ATV proposals provided in its November 2002 publication, "All-Terrain Vehicle Policy and Procedures." The publication provides a procedure for DEEP to designate state land for ATV use. It allows ATV organizations to submit to DEEP proposals identifying land appropriate for such use. DEEP must review proposals and decide whether to approve of the use. An organization with an approved proposal must then enter into a concession agreement with DEEP for the land's development, operation, and maintenance.

EFFECTIVE DATE: October 1, 2015

BACKGROUND***Dirt Bike and ATV Ordinances***

By law, municipalities may adopt ordinances on the operation and use of (1) dirt bikes on public property, including hours of use, and (2)

ATVs, including hours and zones of use. An ordinance may set fines for violations up to:

1. \$1,000 for the first violation,
2. \$1,500 for the second violation, and
3. \$2,000 for subsequent violations (CGS §§ 14-390 and -390m).

Legislative History

The Senate referred the bill (File 485) to the Judiciary Committee, which reported a substitute adding the provision on DEEP’s publication “All-Terrain Vehicle Policy and Procedures.”

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable
 Yea 19 Nay 0 (03/20/2015)

Judiciary Committee

Joint Favorable Substitute
 Yea 42 Nay 0 (04/20/2015)