

**Proposed Substitute
Bill No. 463**

LCO No. 3761

**AN ACT CONCERNING THE PENALTY FOR VIOLATIONS OF A
MUNICIPAL ORDINANCE CONCERNING THE OPERATION OF A DIRT
BIKE, ALL-TERRAIN VEHICLE OR MINI-MOTORCYCLES.**

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

1 Section 1. Section 14-390 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) Any municipality may, by ordinance, regulate the operation and
4 use, including hours and zones of use, of snowmobiles and all-terrain
5 vehicles in a manner not inconsistent with the provisions of sections
6 14-379 to 14-390, inclusive, or any regulations adopted pursuant
7 thereto, and may (1) prescribe a penalty for violation of such ordinance
8 in an amount not to exceed one thousand dollars for a first violation, in
9 an amount not to exceed one thousand five hundred dollars for a
10 second violation and in an amount not to exceed two thousand dollars
11 for a third or subsequent violation, and (2) if the population of such
12 municipality is thirty thousand persons or more, provide for the
13 seizure and forfeiture to the municipality of such all-terrain vehicle for
14 a violation of such ordinance and subject to any bona fide lien, lease or
15 security interest in the all-terrain vehicle, including, but not limited to,
16 a lien under section 14-66c.

17 (b) No all-terrain vehicle shall be forfeited under this section to the

18 extent of the interest of an owner or lienholder by reason of any act or
19 omission committed by another person if such owner or lienholder did
20 not know and could not have reasonably known that such all-terrain
21 vehicle was being used in violation of a municipal ordinance adopted
22 pursuant to section 7-148, as amended by this act.

23 (c) Any person whose all-terrain vehicle is seized and forfeited
24 pursuant to subsection (a) of this section may appeal therefrom to the
25 superior court for the judicial district in which such seizure occurred,
26 provided such appeal shall be filed not later than thirty days after the
27 date on which such seizure occurred. The court shall order such all-
28 terrain vehicle to be forfeited to the municipality and delivered to the
29 chief elected official of the municipality to be destroyed upon a finding
30 of a violation of an ordinance adopted pursuant to section 7-148, as
31 amended by this act, except that if any such all-terrain vehicle is
32 subject to a bona fide lien, lease or security interest, including, but not
33 limited to, a lien under section 14-66c, such property shall not be
34 ordered destroyed in violation of the rights of the holder of such lien,
35 lease or security interest. The person using or in charge of any all-
36 terrain vehicle used in violation of any such provision may be
37 considered the owner thereof for the purpose of any appeal brought
38 pursuant to this subsection, except as provided in subsection (b) of this
39 section. Any person prevailing on appeal shall not be required to pay
40 the penalty set forth in subsection (a) of this section and shall be
41 permitted to reclaim the all-terrain vehicle seized and forfeited
42 pursuant to subsection (a) of this section.

43 (d) Any municipality that seizes an all-terrain vehicle pursuant to an
44 ordinance adopted pursuant to section 7-148, as amended by this act,
45 shall destroy such all-terrain vehicle after the expiration of the appeal
46 or appeal period under subsection (c) of this section except if (1) such
47 all-terrain vehicle may be reclaimed pursuant to subsection (c) of this
48 section, or (2) if any such all-terrain vehicle is subject to a bona fide
49 lien, lease or security interest, including, but not limited to, a lien
50 under section 14-66c, such property shall not be so destroyed in
51 violation of the rights of the holder of such lien, lease or security

52 interest.

53 Sec. 2. Section 14-390m of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective October 1, 2016*):

55 (a) Any municipality that adopts an ordinance pursuant to section
56 7-148, as amended by this act, to regulate the operation and use on
57 public property, including hours of use, of dirt bikes or mini-
58 motorcycles may (1) prescribe a penalty for violation of such ordinance
59 in an amount not to exceed one thousand dollars for a first violation, in
60 an amount not to exceed one thousand five hundred dollars for a
61 second violation and in an amount not to exceed two thousand dollars
62 for a third or subsequent violation, and (2) if the population of such
63 municipality is thirty thousand persons or more, provide for the
64 seizure and forfeiture to the municipality of such dirt bike or mini-
65 motorcycle for a violation of such ordinance and subject to any bona
66 fide lien, lease or security interest in the dirt bike or mini-motorcycle,
67 including, but not limited to, a lien under section 14-66c.

68 (b) No dirt bike or mini-motorcycle shall be forfeited under this
69 section to the extent of the interest of an owner or lienholder by reason
70 of any act or omission committed by another person if such owner or
71 lienholder did not know and could not have reasonably known that
72 such dirt bike or mini-motorcycle was being used in violation of a
73 municipal ordinance adopted pursuant to section 7-148, as amended
74 by this act.

75 (c) Any person whose dirt bike or mini-motorcycle is seized and
76 forfeited pursuant to subsection (a) of this section may appeal
77 therefrom to the superior court for the judicial district in which such
78 seizure occurred, provided such appeal shall be filed not later than
79 thirty days after the date on which such seizure occurred. The court
80 shall order such dirt bike or mini-motorcycle to be forfeited to the
81 municipality and delivered to the chief elected official of the
82 municipality to be destroyed upon a finding of a violation of an
83 ordinance adopted pursuant to section 7-148, as amended by this act,
84 except that if any such dirt bike or mini-motorcycle is subject to a bona

85 fide lien, lease or security interest, including, but not limited to, a lien
86 under section 14-66c, such property shall not be ordered destroyed in
87 violation of the rights of the holder of such lien, lease or security
88 interest. The person using or in charge of any dirt bike or mini-
89 motorcycle used in violation of any such provision may be considered
90 the owner thereof for the purpose of any appeal brought pursuant to
91 this subsection, except as provided in subsection (b) of this section.
92 Any person prevailing on appeal shall not be required to pay the
93 penalty set forth in subsection (a) of this section and shall be permitted
94 to reclaim the dirt bike or mini-motorcycle seized and forfeited
95 pursuant to subsection (a) of this section.

96 (d) Any municipality that seizes a dirt bike or mini-motorcycle
97 pursuant to an ordinance adopted pursuant to section 7-148, as
98 amended by this act, shall destroy such dirt bike or mini-motorcycle
99 after the expiration of the appeal or appeal period under subsection (c)
100 of this section except if (1) such dirt bike or mini-motorcycle may be
101 reclaimed pursuant to subsection (c) of this section, or (2) if any such
102 dirt bike or mini-motorcycle is subject to a bona fide lien, lease or
103 security interest, including, but not limited to, a lien under section 14-
104 66c, such property shall not be so destroyed in violation of the rights of
105 the holder of such lien, lease or security interest.

106 (e) For the purposes of this section, "dirt bike" means a two-wheeled
107 motorized recreational vehicle designed to travel over unimproved
108 terrain and not designed for travel on a highway, as defined in section
109 14-1 and "mini-motorcycle" has the same meaning as provided in
110 section 14-289j. "Dirt bike" does not include an all-terrain vehicle, as
111 defined in section 14-379, or a motor-driven cycle, as defined in section
112 14-1.

113 Sec. 3. Subdivision (10) of subsection (c) of section 7-148 of the 2016
114 supplement to the general statutes is repealed and the following is
115 substituted in lieu thereof (*Effective October 1, 2016*):

116 (10) (A) Make all lawful regulations and ordinances in furtherance
117 of any general powers as enumerated in this section, and prescribe

118 penalties for the violation of the same not to exceed two hundred fifty
119 dollars, unless otherwise specifically provided by the general statutes.
120 Such regulations and ordinances may be enforced by citations issued
121 by designated municipal officers or employees, provided the
122 regulations and ordinances have been designated specifically by the
123 municipality for enforcement by citation in the same manner in which
124 they were adopted and the designated municipal officers or employees
125 issue a written warning providing notice of the specific violation
126 before issuing the citation, except that no such written warning shall
127 be required for violations of a municipal ordinance regulating the
128 operation or use of a dirt bike, [or] all-terrain vehicle or mini-
129 motorcycle;

130 (B) Adopt a code of ethical conduct;

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

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

134 (E) Adopt the model ordinance concerning a municipal freedom of
135 information advisory board created under subsection (f) of section 1-
136 205 and establish a municipal freedom of information advisory board
137 as provided by said ordinance and said section;

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

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2016</i>	14-390
Sec. 2	<i>October 1, 2016</i>	14-390m
Sec. 3	<i>October 1, 2016</i>	7-148(c)(10)