
OLR Bill Analysis

sHB 5413

AN ACT CONCERNING THE ILLEGAL USE OF CERTAIN VEHICLES AND STREET TAKEOVERS.

SUMMARY

This bill makes several changes related to street takeovers and other laws on the illegal use of motor vehicles, including all-terrain vehicles (ATV). Principally, it:

1. requires the Office of Policy and Management (OPM), beginning FY 25, to administer a program, within available appropriations, providing grants of at least \$500,000 to municipalities to support enforcement of municipal and state laws against street takeovers and illegal use of ATVs and dirt bikes (§ 6);
2. changes the license penalties for violating a state law against illegal street racing and street takeovers, including permanently revoking someone's license for a third violation (§ 4);
3. authorizes municipalities to adopt ordinances that penalize street takeovers (§ 3);
4. allows municipalities to destroy ATVs, dirt bikes, and mini-motorcycles that are seized and forfeited for violating a municipal ordinance (§§ 1 & 2); and
5. limits current protections for ATVs, dirt bikes, and mini-motorcycles from being forfeited by requiring their collection within 30 days' notice (§§ 1 & 2).

EFFECTIVE DATE: October 1, 2024, except the provisions on dirt bike and mini-motorcycle municipal ordinances and OPM grants are effective upon passage.

§§ 1 & 2 — FORFEITURE OF ATVS, DIRT BIKES, AND MINI-MOTORCYCLES FOR MUNICIPAL ORDINANCE VIOLATIONS

By law, municipalities may adopt ordinances on the operation and use of (1) ATVs, including hours and zones of use, and (2) dirt bikes and mini-motorcycles on public property, including hours of use. Subject to any bona fide lien, lease, or security interest in a vehicle, a municipal ordinance may allow the seizure and forfeiture of an ATV for a violation, and municipalities with a population of at least 20,000 may do the same for dirt bikes or mini-motorcycles.

Current law protects an owner or lienholder’s interest when forfeiture is due to someone else’s act or omission if the owner or lienholder did not know, and could not have reasonably known, that the ATV, dirt bike, or mini-motorcycle was used or intended to be used in violation of a municipal ordinance. The bill creates an exception by allowing the vehicle’s forfeiture if a municipality mails written notice to the owner or lienholder that this will occur if the vehicle is not collected within 30 days and the person fails to do so by 30 days after the notice is mailed.

Current law also requires any ATV, dirt bike, or mini-motorcycle that is ordered to be forfeited under an ordinance to be sold at public auction. The bill adds an alternative to this, allowing the municipality to instead destroy the vehicle.

By law, an “all-terrain vehicle” is a self-propelled vehicle designed to travel over unimproved terrain that (1) has been determined by the Department of Motor Vehicles commissioner to be unsuitable for operation on public roads and (2) is ineligible for registration (CGS § 14-379).

A “dirt bike” is a two-wheeled motorized recreational vehicle (excluding ATVs and motor-driven cycles) designed to travel over unimproved terrain but not public highways (including public streets and roads).

A “mini-motorcycle” is a vehicle that (1) has no more than three wheels in contact with the ground; (2) has a manufactured seat height

of less than 26 inches, measured at the lowest point on top of the seat cushion without the rider; and (3) is propelled by an engine having a piston displacement of less than 50 cubic centimeters (CGS § 14-289j).

§ 3 — MUNICIPAL ORDINANCES PROHIBITING STREET TAKEOVERS

The bill allows any municipality to adopt an ordinance prohibiting anyone from organizing, participating in, or gathering with intent to observe and actually observing a “street takeover” (i.e., taking over part of a public road or off-street parking lot open to the public by blocking or impeding regular traffic flow to cause disorder or create a nuisance to other road or lot users).

The ordinance may set fines for violating it at no more than:

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

Additionally, the ordinance may allow the impounding of any vehicle used for violating it until any of the following are paid: (1) a fine imposed under it; (2) related charges (e.g., towing fees); and (3) overdue property taxes on the vehicle.

Lastly, the bill requires any ordinance adopted to be consistent with certain state motor vehicle statutes (those on ATVs, dirt bikes, mini motorcycles, and snowmobiles) or related regulations.

§ 4 — LICENSE PENALTIES FOR ILLEGAL STREET RACING AND STREET TAKEOVERS

The bill changes the license penalties for violating a state law that prohibits driving a motor vehicle on a public road or off-street parking lot open to the public for any race, contest, or demonstration of speed or skill or “street takeover” (see above). This law also prohibits certain related conduct, specifically: (1) possessing a motor vehicle under circumstances showing an intent to use it for an illegal race, contest, or demonstration or street takeover; (2) acting as a starter, timekeeper, or judge at one; (3) betting on the outcome; or (4) knowingly inciting or

recruiting anyone to participate in one beforehand by any action, method, device, or means, including electronic or social media.

Under current law, whenever someone is convicted or forfeits a bond taken, or receives a suspended judgment or sentence for violating the above law, the motor vehicles commissioner must, without hearing, suspend the person's driver's license or privilege to operate a motor vehicle in Connecticut for 30 to 90 days and, for a subsequent violation, for at least 90 days. The bill instead requires a 45-day suspension for a first and second violation, and then permanent revocation of the person's license or privilege to drive for a third violation.

§ 5 — PROCESSING MUNICIPAL ORDINANCE VIOLATIONS

The bill requires violations of municipal ordinances regulating ATVs, snowmobiles, dirt bikes, mini-motorcycles, and street takeovers to be processed through the Centralized Infractions Bureau (e.g., payable by mail), unless the municipality has established by ordinance a payment and hearing procedure for the violation that complies with state law.

§ 6 — OPM GRANTS

Starting with FY 25 and each fiscal year after, the bill requires OPM to administer, within available appropriations, a program to award municipalities grants to support enforcing the above street takeover law and municipal ordinances regulating ATVs, dirt bikes, and street takeovers. The grants must be at least \$500,000 and be used by municipalities for law enforcement overtime costs, acquiring equipment, and any other expenses related to enforcing these laws.

By October 1, 2024, OPM must create eligibility criteria for awarding the grants, develop application forms and deadlines, and post a description of the program on its website that includes the criteria, forms, and deadlines.

The bill also requires OPM, starting by January 1, 2026, to annually report on the program to the Public Safety and Security Committee. The reports must include the following information for the prior calendar year: the number of applications received and grants awarded, a list of the municipalities that obtained grants, and the grant amounts.

BACKGROUND

Related Bill

sSB 337 (File 216), favorably reported by the Public Safety and Security Committee, (1) has substantially similar provisions as this bill and (2) extends existing criminal penalties for operating a vehicle during a license suspension or revocation due to specific traffic violations to ones caused for violating the illegal street racing and street takeover law.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 34 Nay 2 (03/26/2024)