



General Assembly

February Session, 2020

Raised Bill No. 445

LCO No. 2731



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT INCREASING PENALTIES FOR OFFENSES ARISING FROM MISUSE OF SNOWMOBILES AND ALL-TERRAIN VEHICLES.

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

1 Section 1. Section 14-386 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2020*):

3 (a) Any law enforcement officer of the Department of Energy and
4 Environmental Protection, motor vehicle inspector, state police officer,
5 uniformed municipal police officer, constable, state park policeman,
6 state forest policeman or forest ranger may enforce the provisions of
7 sections 14-379 to 14-390, inclusive, as amended by this act.

8 (b) No person operating a snowmobile or all-terrain vehicle shall
9 refuse to stop his or her snowmobile or all-terrain vehicle after being
10 requested or signaled to do so by an authorized law enforcement officer,
11 or the owner or the agent of the owner of the property upon which such
12 snowmobile or all-terrain vehicle is being operated. Any person
13 operating a snowmobile or all-terrain vehicle who refuses to stop his or
14 her snowmobile or all-terrain vehicle upon such request or such signal
15 by an authorized law enforcement officer shall have committed [an

16 infraction] a class A misdemeanor, except that, if such violation causes
17 the death or serious physical injury of another person, such person shall
18 be guilty of a class D felony.

19 Sec. 2. Section 14-386a of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective October 1, 2020*):

21 (a) No person shall operate a snowmobile or all-terrain vehicle in the
22 following manner: (1) At an unreasonable or imprudent rate of speed
23 for existing conditions; (2) in a negligent manner so as to endanger any
24 person or property; or (3) while under the influence of intoxicating
25 liquor or any drug, or both, as provided in subsection (a) of section 14-
26 227a.

27 (b) Any person who violates the provisions of subdivision (1) or (2)
28 of subsection (a) of this section, or any regulation relating [thereto] to
29 said subdivisions, shall be fined not more than [two hundred fifty] one
30 thousand dollars for [each] the first offense, not more than two thousand
31 five hundred dollars for the second offense and not more than three
32 thousand five hundred dollars for a third or subsequent offense. Any
33 person who violates the provisions of subdivision (3) of this section shall
34 be subject to the penalties set forth in section 14-227a. In addition
35 [thereto] to such penalties, the operator or owner, or both, of a
36 snowmobile or all-terrain vehicle, shall be responsible and held
37 accountable to the owner of any land where trees, shrubs, crops, fences
38 or other property have been damaged as a result of travel of such
39 snowmobiles or all-terrain vehicles over such land, or where
40 consequential damage has resulted from such travel. Proof of the
41 registration number of the snowmobile or all-terrain vehicle shall be
42 prima facie evidence in any prosecution or action for damages that the
43 owner was the operator.

44 Sec. 3. Section 14-387 of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective October 1, 2020*):

46 No person shall operate a snowmobile or all-terrain vehicle in the
47 following manner: (1) On any public highway, except such snowmobile

48 or all-terrain vehicle, if operated by a licensed motor vehicle operator,
49 may cross a public highway if the crossing is made at an angle of
50 approximately ninety degrees to the direction of the highway and at a
51 location where no obstruction prevents a quick and safe crossing, the
52 snowmobile or all-terrain vehicle is completely stopped before entering
53 the traveled portion of the highway and the driver yields the right-of-
54 way to motor vehicles using the highway, provided nothing in this
55 subsection shall be construed to permit the operation of a snowmobile
56 or all-terrain vehicle on a limited access highway, as defined in
57 subsection (a) of section 13a-1; (2) in such a manner that the exhaust of
58 the snowmobile or all-terrain vehicle makes an excessive or unusual
59 noise; (3) without a functioning muffler, subject to the provisions of
60 section 14-80, properly operating brakes, sufficient and adequate front
61 and rear lighting and reflecting devices, except an all-terrain vehicle
62 with an engine size of ninety cubic centimeters or less shall not be
63 required to be equipped with front and rear lighting and shall not be
64 operated after dark; (4) in any manner which would cause harassment
65 of any game or domestic animal; (5) on any land without the written
66 permission of the owner, or the agent of the owner, or in the case of
67 state-owned land, without the written permission of the state agency or
68 institution under whose control such land is, or in the case of land under
69 the jurisdiction of a local municipality without the written permission
70 of such municipality, which written permission shall be carried on the
71 person operating the all-terrain vehicle while on such land; and (6) on
72 any railroad right-of-way. Nothing in sections 14-379 to 14-390,
73 inclusive, as amended by this act, shall preclude the operation of a
74 snowmobile or all-terrain vehicle (A) on the frozen surface of any public
75 body of water, provided any municipality may by ordinance regulate
76 the hours of operation of snowmobiles and all-terrain vehicles on public
77 waters within such municipality and provided the operation of a
78 snowmobile or all-terrain vehicle shall be subject to the provisions of
79 section 25-43c; or (B) on any abandoned or disused railroad right-of-way
80 or in any place or upon any land specifically designated for the
81 operation of snowmobiles and all-terrain vehicles by statute, regulation
82 or local ordinance. Any person who violates any provision of this

83 section shall have committed a [separate infraction for each such
84 violation] class D misdemeanor for a first offense and a class C
85 misdemeanor for a second or subsequent offense. For a second or
86 subsequent offense, if such person has a motor vehicle operator's license
87 or nonresident operating privilege, such license or privilege shall be
88 suspended for thirty days.

89 Sec. 4. Section 14-388 of the general statutes is repealed and the
90 following is substituted in lieu thereof (*Effective October 1, 2020*):

91 Except as otherwise provided, any person who violates any of
92 sections 14-379 to 14-390, inclusive, as amended by this act, or any
93 regulation relating [thereto] to said sections shall have committed [an
94 infraction for each such offense] a class D misdemeanor for a first
95 offense and a class C misdemeanor for a second or subsequent
96 commission of any such same offense. For any second or subsequent
97 commission of any same such offense, if such person has a motor vehicle
98 operator's license or nonresident operating privilege, such license or
99 privilege shall be suspended for thirty days. In addition [thereto] to such
100 penalties, the operator or owner, or both, of a snowmobile or all-terrain
101 vehicle, shall be [responsible and held accountable] liable for treble
102 damages to the owner of any land where trees, shrubs, crops, fences or
103 other property have been damaged as a result of travel of such
104 snowmobiles or all-terrain vehicles over such land, or where
105 consequential damage has resulted from such travel. Proof of the
106 registration number of the snowmobile or all-terrain vehicle shall be
107 prima facie evidence in any prosecution or action for damages that the
108 owner was the operator.

109 Sec. 5. Subsection (a) of section 14-390 of the general statutes is
110 repealed and the following is substituted in lieu thereof (*Effective October*
111 *1, 2020*):

112 (a) Any municipality may, by ordinance, regulate the operation and
113 use, including hours and zones of use, of snowmobiles and all-terrain
114 vehicles in a manner not inconsistent with the provisions of this section

115 and sections 14-379 to 14-389, inclusive, or any regulations adopted
116 pursuant thereto, and may prescribe a penalty for violation of such
117 ordinance (1) in an amount not to exceed one thousand dollars for a first
118 violation, in an amount not to exceed [one] two thousand five hundred
119 dollars for a second violation and in an amount not to exceed [two] three
120 thousand five hundred dollars for a third or subsequent violation, and
121 (2) in the case of a municipality with a population of twenty thousand
122 or more, to provide for the seizure and forfeiture to the municipality of
123 such all-terrain vehicle for a violation of such ordinance, subject to any
124 bona fide lien, lease or security interest in the all-terrain vehicle,
125 including, but not limited to, a lien under section 14-66c.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	14-386
Sec. 2	<i>October 1, 2020</i>	14-386a
Sec. 3	<i>October 1, 2020</i>	14-387
Sec. 4	<i>October 1, 2020</i>	14-388
Sec. 5	<i>October 1, 2020</i>	14-390(a)

Statement of Purpose:

To change the penalties and liabilities for violations of title 14 of the general statutes concerning misuse of snowmobiles and all-terrain vehicles.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]