



House of Representatives

General Assembly

File No. 411

January Session, 2021

House Bill No. 5726

House of Representatives, April 13, 2021

The Committee on Transportation reported through REP. LEMAR of the 96th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE SEIZURE OF ALL-TERRAIN VEHICLES.

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

1 Section 1. Subsection (a) of section 14-390 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2021*):

4 (a) Any municipality may, by ordinance, regulate the operation and
5 use, including hours and zones of use, of snowmobiles and all-terrain
6 vehicles in a manner not inconsistent with the provisions of this section
7 and sections 14-379 to 14-389, inclusive, or any regulations adopted
8 pursuant thereto, and may prescribe a penalty for violation of such
9 ordinance (1) in an amount not to exceed one thousand dollars for a first
10 violation, in an amount not to exceed one thousand five hundred dollars
11 for a second violation and in an amount not to exceed two thousand
12 dollars for a third or subsequent violation, and (2) [in the case of a
13 municipality with a population of twenty thousand or more,] to provide
14 for the seizure and forfeiture to the municipality of such all-terrain
15 vehicle for a violation of such ordinance, subject to any bona fide lien,

16 lease or security interest in the all-terrain vehicle, including, but not
17 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, 2021</i>	14-390(a)

TRA *Joint Favorable*

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 22 \$	FY 23 \$
Various Municipalities	Revenue Gain	Potential	Potential

Explanation

The bill allows all municipalities, rather than just those with populations of 20,000 or more, to seize all-terrain vehicles (ATVs) under certain conditions and pursuant to a local ordinance. Any ATVs ordered forfeited pursuant to such an ordinance are required to be sold at public auction and results in a potential revenue gain that will vary based on the auction proceeds.

As an illustration, the City of Waterbury sold five ATVs at public auction in FY 20, ranging from \$310 to \$1,326, for a total revenue gain to the city of \$3,791.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of ATVs sold at public auctions.

OLR Bill Analysis**HB 5726*****AN ACT CONCERNING THE SEIZURE OF ALL-TERRAIN VEHICLES.*****SUMMARY**

This bill allows all municipalities that regulate all-terrain vehicle (ATV) use by ordinance, rather than just municipalities with populations of 20,000 or more that do so, to provide for their seizure and forfeiture by ordinance as well (see BACKGROUND). Under existing law, unchanged by the bill, only municipalities that meet this population threshold may provide for the seizure and forfeiture of dirt bikes and mini motorcycles (CGS § 14-390m).

By law, if a municipality confiscates an ATV used in violation of an ordinance, it must sell it at a municipally conducted public auction. The sale proceeds must be paid to the municipal treasurer for deposit into the municipality's general fund.

Existing law's forfeiture provisions are subject to any bona fide lien, lease, or security interest (including a lien for towing and storing a vehicle). The 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 was used or was intended to be used in violation of a municipal ordinance.

EFFECTIVE DATE: October 1, 2021

BACKGROUND***Regulating Dirt Bikes, Mini Motorcycles, ATVs, and Snowmobiles by Ordinance***

By law, municipalities may adopt ordinances on the operation and

use of (1) dirt bikes and mini motorcycles on public property, including hours of use, and (2) ATVs and snowmobiles, including hours and zones of use. An ordinance may set fines of up to:

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

COMMITTEE ACTION

Transportation Committee

Joint Favorable

Yea 35 Nay 0 (03/24/2021)