

Transportation Committee JOINT FAVORABLE REPORT

Bill No.: HB-5726

Title: AN ACT CONCERNING THE SEIZURE OF ALL-TERRAIN VEHICLES.

Vote Date: 3/24/2021

Vote Action: Joint Favorable

PH Date: 2/19/2021

File No.:

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SPONSORS OF BILL:

Rep. Vincent J. Candelora, 86th Dist.; Sen. Christine Cohen, 12th Dist.; Rep. Craig C. Fishbein, 90th Dist.

REASONS FOR BILL:

To permit any town to seize an all-terrain vehicle operated in violation of a municipal ordinance; specifically those with populations under 20,000, as was the previous threshold.

NATURE AND SOURCES OF SUPPORT:

[Amy Blaymore Paterson; Esq., Executive Director of the Connecticut Land Conservation Council](#)

Amy Blaymore Paterson presented and submitted testimony in support of this bill on behalf of the Connecticut Land Conservation Council. The testimony briefly describes the nature of the council's advocacy, which includes "[ensuring] the long-term strength and viability of the land conservation community in Connecticut." In addition, the text explains that the enforcement of local ordinances concerning the illegal use of All-terrain Vehicles is especially difficult due in part to "the majority of our state's land trusts and municipal stewardship efforts operating on the backs of volunteers." Per the testimony, the illegal use of ATV's creates damages to public and private trails "that are costly to both the environment and the municipalities and organizations responsible for their care." Said damages are listed as follows: " damage to trails established for hiking and other passive recreational uses; noise disturbance -- impacting people and wildlife; damage to vegetation -- which often hastens the proliferation of non-native invasive species; increased runoff, soil compaction and erosion, leading to the degradation of water quality." The council concludes by attesting that HB-5726 would expand the ability of local law enforcement to deter the illegal use of ATV's—which, in turn, would alleviate the "financial burden for municipalities and other landowners, at a time when budgets are already under pressure."

[Betsy Gara, Executive Director of the Connecticut Council of Small Towns](#)

Betsy Gara presented and submitted testimony in support of this bill on behalf of the Connecticut Council of Small Towns. The testimony begins by stating that many ATV owners use their vehicles both safely and responsibly; "however," the text continues, "municipalities are encountering difficulties enforcing restrictions on municipal lands that are not safe or appropriate for ATV use." The council explains how said illegal use has resulted in preventable "deaths and injuries", as well as damage to trails and land which "[creates] hazardous conditions for hikers and others." The testimony notes, "[Section 14-390] should be expanded to all municipalities without regard to population size," then concludes, "HB-5726 would provide municipalities with a strong enforcement tool to protect municipal property and the safety of the public."

[Eric Hammerling, Executive Director of the Connecticut Forest & Park Association](#)

Eric Hammerling presented and submitted testimony in support of this bill on behalf of the Connecticut Forest and Park Association. The testimony states that the CFPA established and maintains "the Blue-Blazed Hiking Trails which stretch over 825 miles and span in 96 municipalities," and explains that these trails are difficult to maintain due to their crossing of jurisdictional boundaries. Per the testimony, the illegal use of ATV's on several of their trails is "one of the most vexing problems for CFPA and its volunteers," as it creates dangerous conditions for trail users, damages the trails and natural habitat, and poses a risk to the ATV rider's themselves, as the trails are not designed to sustain motor vehicles. The association describes Section 14-390 as a "common sense extension of the law, since the current floor of 20,000 citizens is arbitrary and doesn't reflect the impact that ATVs may be making in communities with lower populations," before noting that the decision to implement an ordinance of ATV seizure would still be left to the respective communities.

[Rep. Vincent J. Candelora, 86th Assembly District of Connecticut](#)

Representative Vincent J. Candelora presented and submitted testimony in support of this bill. The testimony states that the population threshold for the seizure of ATV's was set in place due to their illegal use being limited in smaller communities. "Unfortunately," the representative writes, "illegal ATV use has become a real concern in our smaller communities as well." Per the testimony, due to their knowledge of the population threshold, "illegal operators [in towns such as North Branford and Durham] often choose to drive their ATVs on the local roads," which, consequently, "[damages] our local roads and property." The text concludes with the following: "Allowing all municipalities, regardless of their population size, to seize ATVs that are operated illegally will not only protect public safety in our small towns but will also ease the financial burden of them having to pay for the damage caused by these riders."

[Rahul Shah, MD; Resident of New Haven](#)

Rahul Shah presented and submitted testimony in support of this bill, which begins with an anecdote of a teenage boy whom Dr. Shah evaluated after an ATV accident. The accident is then described as a "preventable" tragedy. The testimony offers the following analyses: 1. "ATVs tend to be under-regulated, and have disproportionately injured and killed children," and 2. "according to the Center for Disease Control, accidents (such as motor vehicle crashes) are the number one cause of adolescent death in the United States of America." The text concludes by attesting that "[HB-5726] should be coupled with initiatives to broaden

opportunities for children, particularly urban youth, to engage in productive, recreational activities."

NATURE AND SOURCES OF OPPOSITION:

None expressed.

Reported by: Ian Bond

Date: 3/29/2021