

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-440		7888	0	18	1
<u>Committee Pages:</u>				<u>House Pages:</u> <ul style="list-style-type: none"> • 2204-2209 • 2934-2936 • 3537-3545 	<u>Senate Pages:</u> <ul style="list-style-type: none"> • 2587

H-112

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 5
1968-2502**

Thursday, May 6, 1971

40.

MBS

Calendar No. 646, Substitute for House Bill No. 7888. An Act Concerning Liability of Landowner Upon Whose Land Snowmobiles are Operated, file 605.

JAMES F. BINGHAM, 157th District:

Mr. Speaker, I move acceptance of the joint committee's favorable report and passage of the bill.

MR. SPEAKER:

Will you remark?

JAMES F. BINGHAM, 157th District:

Mr. Speaker, the bill speaks for itself. I think there is an amendment, Mr. Speaker.

MR. SPEAKER:

Will the Clerk call House Amendment Schedule "A"? Now that the bill is spoken will the amendment speak?

THE CLERK:

House Amendment Schedule "A" offered by Mr. Dooley of the 47th, Rep. Ryan of the 84th.

In line 2 after the word "snowmobile" insert a comma, and the words, motorcycles, or all terrain vehicles.

In line 4 after the word "in" insert the words "or on.

In line 4 after the comma insert the words "motorcycle, or all terrain vehicles,

In line 7 after the period insert the following words "for purposes of this act all terrain vehicles means a self-propelled vehicle designed to travel over unimproved terrain and which has been determined by the Commissioner of Motor

Thursday, May 6, 1971

41.

MBS

Vehicles as unsuitable for operation on public highways and which is not eligible for registration under Chapter 246, General Statutes, as amended.

THOMAS H. DOOLEY, 47th District:

Mr. Speaker, I move the adoption of the amendment.

MR. SPEAKER:

Motion is on adoption of House Amendment Schedule "A", will you remark?

THOMAS H. DOOLEY, 47th District:

Mr. Speaker, the purpose of the amendment, as the Clerk indicated, to add motorcycles and all terrain vehicles to snowmobiles under this bill. Those Connecticut citizens who live in a rural area have in the past suffered potential liability by those who come upon their property without permission, in some cases with permission, and they are injured in operated snowmobiles, motorcycles and all terrain vehicles on these premises. As I'm sure Rep. Bingham will explain it is a purpose of this bill to relieve these landowners of this liability. There's no need, however, to restrict the type of vehicle to snowmobiles and, as I said, it is the purpose of this amendment by Rep. Ryan and myself to add these vehicles to snowmobiles and to divine the term all terrain vehicles. It is a good amendment and I would urge its adoption.

MR. SPEAKER:

Will you remark further on the amendment? First...are

Thursday, May 6, 1971

42.

MBS

there further remarks on the amendment.

RICHARD B. EDWARDS, 155th District:

A question, through you, Mr. Speaker, under the amendment would the gentleman clarify if a young man, with a motorcycle, in a city, is invited to somebody's house and drives his motorcycle through the drive and if there is a hazard there that doesn't belong there, is the owner in this case, as he would normally be liable for having that hazard there?

MR. SPEAKER:

Will you respond?

THOMAS H. DOOLEY, 47th District:

Mr. Speaker, I was unable to hear the question, I'm sorry, due to the p. a. system.

MR. SPEAKER:

Will the gentleman repeat his question and perhaps try another microphone. That one seems to be deficient.

RICHARD B. EDWARDS, 155th District:

Mr. Speaker, the question was on the amendment. If an individual, say a young man, has a motorcycle and is invited to a person's house, drives in the driveway and there's a hazard there that should not be there, that should not be expected under normal circumstances if he is injured by that the landowner I believe would be held responsible. Does this bill relieve him, the owner of that piece of property, not necessarily farm land, does it relieve that owner from responsibility?

Thursday, May 6, 1971

43.

MES

THOMAS H. DOOLEY, 47th District:

Mr. Speaker, the answer is in the affirmative. Now, while this may be a detriment in the eyes of Mr. Edwards I would suggest that I know, in the state of Connecticut, no case, nor have I encountered any in the practice of law in which anyone driving into a driveway was injured on a motorcycle. I think we have to balance the particular circumstances of the case where in eastern Connecticut, particularly in my section of the state we have trials, throughout farmlands which are used by those on motorcycles and we have had several cases in which landowners were sued because of the injury of the driver or passenger on the motorcycle so the answer is yes, this particular bill would relieve the owner of the land from liability. I will also point out, however, that the basic bill would remove the landowners liability if someone came into his driveway with a snowmobile.

MR. SPEAKER:

Are there further remarks on the amendment?

WILLIAM J. SMYTH, 129th District:

Mr. Speaker, I rise for a question to the proponent of the bill. As I heard the definition of the vehicle described it was a vehicle that could only move over uneven ground, is that correct, sir?

MR. SPEAKER:

Does the gentleman care to respond?

Thursday, May 6, 1971

44.

MBS

THOMAS H. DOOLEY, 47th District:

Mr. Speaker, the amendment would add to the word snowmobile, the words motorcycle and all terrain vehicles. An all terrain vehicle in the amendment is defined as a self-propelled vehicle designed to travel over unimproved terrain and which has been determined by the Commissioner of Motor Vehicles as unsuitable for operation on public highways and which is not eligible for registration under Chapter 346 of the General Statutes. That definition, however, applies only to all terrain vehicles and does not apply to the term motorcycle.

LUCIEN A. DI MEO, 98th District:

Mr. Speaker, through you, a question. In the event... two questions...one, would a motorbike, this is a point of information for me, would a motorbike be considered to be a motorcycle or a vehicle which is not considered to be suitable for the highway? Secondly, in the event that one of these vehicles, anyone of them as described in the bill, were being operated on a property, with or without the consent of the owner, and this vehicle struck a pedestrian or caused injury to another person, who would be liable?

MR. SPEAKER:

Does the gentleman care to respond?

THOMAS H. DOOLEY, 47th District:

Yes, in my opinion, Mr. Speaker, the definition all terrain vehicle would not include a motorbike and, in my opinion,

Thursday, May 6, 1971

45.

MBS

Mr. Speaker, the operator of the vehicle would be liable if a pedestrian were struck by the vehicle while the operator was operating same.

MR. SPEAKER:

Are there further remarks on the amendment? If not, all those in favor indicate by saying aye, opposed? The Chair is in doubt. Question standing before us is House Amendment Schedule "A", all those in favor indicate by saying aye, opposed? The amendment is adopted. Due to the large number of questions raised on it, the Chair is going to rule it substantive and ask that it be reprinted for further consideration.

(unidentified):

Mr. Speaker, there is another amendment to this bill. And if you are ruling that the amendment is substantive maybe we could move this to be substantive also. If it passes.

MR. SPEAKER:

That as you know is not Roberts Rules but the rules by Col. Bingham. Since the item has already been referred to the Legislative Commissioner's office and I viewed the further amendment, which is about two lines in length and would suggest that it be offered when the bill returns to our calendar.

JAMES F. BINGHAM, 157th District:

Thank you, Mr. Speaker.

THE CLERK:

Calendar No. 647, Substitute for House Bill No. 5823.

H-113

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 6
2503-3010**

Monday, May 17, 1971

91.

THE SPEAKER:

We will now proceed to vote on the amendment. The machine will be opened. Has every member voted. The machine will be locked and the Clerk will take a tally.

THE CLERK:

Total number Voting	152
Necessary for Adoption	77
Those Voting Yea.	124
Those Voting Nay	28
Absent and Not Voting	25

THE SPEAKER:

THE AMENDMENT IS ADOPTED. It is ruled substantive and the Bill will be returned to the Legislative Commissioners' Office.

Representative Hannon.

MR. HANNON:

Mr. Speaker, let this go down as the massacre of May 17th.

THE SPEAKER:

Some people are not laughing, Representative Hannon. The Clerk will continue with the call of the Calendar.

THE CLERK:

Cal. 646, Sub. for H.B. 7888. AN ACT CONCERNING LIABILITY OF LANDOWNER UPON WHOSE LAND SNOWMOBILES ARE OPERATED, as amended by House Amendment Schedule "A".

THE SPEAKER:

Representative Dooley of the 47th.

roc

Monday, May 17, 1971

92.

MR. DOOLEY: (47th)

Mr. Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the bill as amended.

THE SPEAKER:

Would you remark.

MR. DOOLEY: (47th)

Mr. Speaker, the Clerk has an amendment which I would be happy to summarize.

THE SPEAKER:

The gentleman outline the amendment.

MR. DOOLEY: (47th)

Mr. Speaker, on May 6, this bill was before us and was amended by this Body to pertain not only to snowmobiles but also to all terrain vehicles and motorcycles as well. The amendment after being passed was ruled substantive and the matter was transmitted to the legislative commissioners' office. During debate on the amendment, some members properly pointed out what they considered to be difficulties with the amendment as drawn, particularly if the operation of the motorcycles and all-terrain vehicles in private driveways and parking areas on landowners property. We discussed these considerations, not only with other members of the House but with the Legislative Commissioners office, as well, and spent considerable time with that office to try to eliminate these problems. On their recommendations and reviewing alternatives, we are convinced that attempting to add these other vehicles to the snow-

roc

Monday, May 17, 1971

93.

roc

mobile bill may well cause unnecessary litigation in our State and could place in jeopardy the basic bill. For this reason the amendment in question in the hands of the Clerk will restore the bill to its original status as it first came out of the Judiciary Committee. It is possible that in the future, this Body can expand the bill to include these other vehicles but I think that additional time is necessary. For this reason, Mr. Speaker, I would urge the adoption of the amendment.

THE SPEAKER:

In view of the remarks of the gentleman from the 47th, I will indicate in advance that the amendment, if adopted, is substantive. Will you remark further on Amendment Schedule "A". If not all those in favor indicate by saying AYE. Opposed.

THE AMENDMENT IS ADOPTED. It is ruled substantive and the bill is again returned to the Legislative Commissioners' office.

THE CLERK:

Cal. 818, Sub. for H.B. 6490. AN ACT CONCERNING APPOINTMENT OF MEMBERS OF BOARD OF EXAMINERS OF EMBALMERS AND FUNERAL DIRECTORS.

THE SPEAKER:

The gentleman from the 110th.

MR. GUDELSKI: (110th)

Mr. Speaker, I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE SPEAKER:

Would you remark.

H-115

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 8
3377-3877**

Friday, May 21, 1971

160.

MBS

It is a good amendment and I think I would accept it.

MR. SPEAKER:

Are there further remarks on Senate Amendment Schedule "A", if not, all those in favor indicate by saying aye, opposed? Senate Amendment Schedule "A" is adopted and ruled technical.

MORRIS COHEN, 41st District:

The bill itself is similar to the amendment, it only increases the number of advisory board to the Commissioner of Health, from nine to fifteen. It is a good bill and should pass.

MR. SPEAKER:

Will you remark further on the bill, as amended? If not, all those in favor indicate by saying aye, opposed? The bill is passed.

THE CLERK:

Returned from the Legislative Commissioner, Calendar No. 646, Substitute for House Bill No. 7888, An Act Concerning Liability of Landowner Upon Whose Land Snowmobiles are Operated. It is amended by House Amendment Schedule "A".

JOHN A. CARROZZELLA, 81st District:

Mr. Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill, as amended.

MR. SPEAKER:

Will you remark?

JOHN A. CARROZZELLA, 81st District:

Friday, May 21, 1971

161.

MBS

The Clerk has another amendment, Mr. Speaker.

MR. SPEAKER:

Does the gentleman wish the Clerk to read the amendment.

JOHN CARROZZELLA, 81st District:

No, I think I can summarize the amendment, it is a very simple amendment, Mr. Speaker. What the amendment does, it amends Public Act No. 249, which we passed previously in this session. The Public Act is entitled An Act Limiting Liability of Property Owners for Land Used for Recreational Purposes. We are amending that Public Act by deleting the word "snowmobiling" the reason for that is so that there will be no inconsistency between that act and the act that we are about to act upon. I move adoption of the amendment.

MR. SPEAKER:

The Clerk indicates that the House has already adopted "A" and "B" and that your calendar should be corrected accordingly. The gentleman from the 81st has offered House Amendment Schedule "C", will you remark further on House Amendment Schedule "C"?

ASTRID HANZALEK, 40th District:

Thank you, Mr. Speaker, through you a question, to the proponent, would this mean that the liability of the landowner would not be protected in the case of any snowmobiler?

JOHN CARROZZELLA, 81st District:

Friday, May 21, 1971

162.

MBS

Through you, Mr. Speaker, the answer would be no, this bill is taking away the liability of a landowner, in the case of a snowmobile, and it is not limited to an owner of five or more acres, whereas the other bill did away with that liability only insofar as a owner of five or more acres. So the answer is no.

MR. SPEAKER:

Are there further remarks on Schedule "C"? If not, all those in favor of Amendment Schedule "C"....

PETER W. GILLIES, 75th District:

Mr. Speaker, I recognize it is late and I don't wish to delay the House but I just don't understand this amendment, are we adding a new paragraph to this bill?

JOHN CARROZZELLA, 81st District:

Through you, Mr. Speaker, the answer is no, we are merely rewriting Section 1 of Public Act No. 249 without the word snowmobile, as we passed the act snowmobiling was in the act, what we are doing by this amendment is deleting that only word.

MR. SPEAKER:

Are there further remarks on Schedule "C"?

PHILIP COSTELLO, 72nd District:

Mr. Speaker, through you, a question to the Chairman of the Judiciary Committee, if we pass this amendment and we amend the Public Act just referred to by removing snowmobiles

Friday, May 21, 1971

163.

MBS

on then if, on the vote on the pending bill, the bill is defeated, do we not have a situation where you have removed snowmobiles from the earlier public act but have not passed supplemental legislation?

MR. SPEAKER:

Does the gentleman from the 81st care to respond?

JOHN CARROZZELLA, 81st District:

I think the answer would be no, Mr. Speaker, because the amendment, it passed, and then we vote on the bill and if the bill is defeated it would include the amendment, so therefore the whole thing goes and then we go back to the original public act.

MR. SPEAKER:

Rep. Costello, further remarks? Are there further remarks on Schedule "C"?

GORDON VAILL, 173rd District:

Mr. Speaker, it seems to me we are not amending the bill we are talking about, is that correct?

MR. SPEAKER:

Does the gentleman from the 81st care to respond?

JOHN CARROZZELLA, 81st District:

Through you, Mr. Speaker, the answer is yes, we are amending that but we are amending that by adding another section which amends a previous public act so as to avoid any discrepancy between the two. It's a good amendment, really!

Friday, May 21, 1971

164.

MBS

MR. SPEAKER:

Perhaps the gentleman from the 81st should have said that earlier. Further remarks on Amendment Schedule "C"? If not, all those in favor indicate by saying aye, opposed? The amendment is adopted, it is ruled technical. The Clerk has two further amendments. Correction, one.

THE CLERK:

House Amendment Schedule "D" offered by Rep. Argazzi of the 25th:

In line 7, delete the period after the word "operation" and insert a comma and add the following: "or unless such injury is caused by the wilful or malicious conduct of such landowner".

ROBERT A. ARGAZZI, 25th District:

Mr. Speaker, very briefly, I hate to introduce any more amendments to this bill, but what this would do, this amendment would do, is to make clear that a landowner would still be liable in a civil action for technically creating a condition on his land which is designed to inflict injury on someone who is operating a snowmobile on his property, whether it is a trespasser or not. Under a literal interpretation of the bill without the amendment, such a landowner who causes injury by wilful or malicious conduct would not be liable. I don't think this was the intent of the drafters of this bill and therefore I think the amendment is a good one.

Friday, May 21, 1971

165.

MBS

MR. SPEAKER:

Will you remark further on Amendment Schedule "D"?

WILLIAM RYAN, 84th District:

Mr. Speaker, I support the gentleman's amendment and I think it makes a good bill better.

MR. SPEAKER:

Further remarks on Schedule "D"? If not, all those in favor indicate by saying aye, opposed? "D" is adopted and ruled technical. Will you remark further on the bill as amended by four amendments?

JOHN CARROZZELLA, 81st District:

Mr. Speaker, I now move for acceptance and passage, as amended by the four amendments. I think this is an overdue bill, it relieves the landowner from liability for injury to the operator or passenger of the snowmobile. It is, I think, long overdue, it protects the landowner for those who use his land with a snowmobile. It's a good bill, I urge its passage.

RUBIN COHEN, 59th District:

Mr. Speaker, I just came into the House and I would like to inquire what the four amendments are doing to this bill from Mr. Carrozzella?

MR. SPEAKER:

Judge Carrozzella, would you care to outline the previous action?

JOHN CARROZZELLA, 81st District:

Friday, May 21, 1971

166.

MBS

Through you, Mr. Speaker, to the distinguished dean, the bill as originally came out is the same as is now in the file before you, file number 1138, however, on a previous day, an amendment was proposed which was House Amendment Schedule "A" which made the statute include terrain vehicles and motorcycles. That was House Amendment Schedule "A", House Amendment Schedule "B". It was found that there were serious problems with that, I'm sorry, House Amendment Schedule "A" was the motorcycle and terrain vehicles, found that there were several problems connected with the adoption of that amendment so that House Amendment Schedule "B" then deleted that language and put the bill into its original form, so now we still have the original bill. We have just now adopted an amendment which would change the previous public act and delete snowmobiles from that act so that there would be no inconsistency with that act and this act, because this act is broader. And finally, we have just adopted an amendment now that would say that there is liability in the event the landowner sets trap for the user of the snowmobile. And I submit it's a good bill.

RUBIN COHEN, 59th District:

Mr. Speaker, the answers that Mr. Carrozzella gave me were very, very good but I understand it is still a lawyer's bill and I don't quite go along with all of these amendments. Because I honestly believe, sincerely, that property owners

Friday, May 21, 1971

167.

MBS

should be protected on this bill and these four amendments, the explanation isn't quite satisfactory, as far as I'm concerned.

THOMAS H. DOOLEY, 47th District:

Mr. Speaker, I come from a rural area in Connecticut where this is a problem and I can assure the Dean of the House that this bill is a property owner's bill and not an operator's bill. The purpose of the bill, as it now appears before us, is to relieve homeowners, landowners of liability in cases in which people use their land for the purpose of snowmobiling. And under the bill, as now amended, the only time that a landowner would be liable is when he intentionally inflicted injury upon the operator of the snowmobile. Now, this is the only amendment of any substance that has been added to this bill, as it now stands before us. So, again, I would tell Rep. Cohen that it is a bill in the interest of those particularly who own large amounts of property which are used for snowmobiling purposes and that many, many of my constituents, and Sen. Houley's constituents in the County of Tolland, are in favor of this bill because some of them find themselves, right now, in the very unenviable position of being defendants in a law suit where the plaintiff is someone they didn't even know was using their property for these purposes.

MR. SPEAKER:

Are there further remarks on the bill?

Friday, May 21, 1971

168.

MBS

MERRITT COMSTOCK, 71st District:

Mr. Speaker, through you I'd like to ask the gentleman, Chairman of the Judiciary Committee, what constitutes a trap? If someone comes through on a snowmobile and they cut an owner's fence through a pasture and the owner goes out and repairs it the next day because it has been cut, is this constituted as a trap?

JOHN A. CARROZZELLA, 81st District:

Mr. Speaker, through you, sir, I would submit that that is not a trap, that would be a fence, repaired.

ALBERT CRETELLA, 99th District:

Mr. Speaker, I would comment to Rep. Cohen that I don't think this is a lawyer's bill and for this reason, that I am a lawyer and I don't understand it. I am in agreement with the concept, fully in favor with the purpose of the bill and I would recommend that Rep. Carrozzella hold himself available for free consultation for all lawyers through the state and he can interpret it for us when the time arises.

MR. SPEAKER:

Are there further remarks on the bill? If not, all those in favor indicate by saying aye, opposed? The bill is passed. Not with a bang but with a whimper.

THE CLERK:

Page 16, Reconsideration, Calendar No. 997, House Bill No. 6018...Correction...Disagreeing Actions, Referred to

**S-81
CONNECTICUT
GENERAL ASSEMBLY**

SENATE

**PROCEEDINGS
1971**

**VOL. 14
PART 6
2436-2873**

May 27, 1971

101

SENATOR DINIELLI:

statutory or regulatory authority to determine the financial ability of such companies. This would provide that authority.

THE CHAIR:

The question is on passage. Will you remark further?

If not, all those in favor signify by saying aye. Opposed nay.

The ayes have it . The bill is passed.

THE CLERK:

Calendar No. 952. File No. 1314. Favorable Report of Joint Standing Committee on Judiciary. Sub. House Bill 7888. An Act Concerning Liability of Landowner on Whose Property Snowmobiles Are Operated.

THE CHAIR:

Senator Jackson.

SENATOR JACKSON:

Mr. President. I move acceptance of the committee's favorable report and passage of the bill as amended by House Amendment Schedule A.

THE CHAIR:

Will you remark?

SENATOR JACKSON:

Mr. President. This would relieve landowners from liability from injuries to any operator or any occupant of a snowmobile for any accident occurring on landowners property, provided a fee is not charged for any use of said land.

THE CHAIR:

The question is on passage. Will you remark further. IF NOT, ALL those in favor of passage, signify by saying aye. Opposed nay. The ayes have it. The bill is passed.