

**PA13-154**

HB6638

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hac/gbr  
HOUSE OF REPRESENTATIVES

9  
May 15, 2013

Thank you, Madam Speaker.

By way of introduction I'd like to introduce the St. Aloysius fourth grade class who is up visiting today. That is -- they're from my parish and they're here with their teachers, and I would like everyone to please give them a warm welcome here today.

And they were recently awarded the Blue Ribbon -- Blue Ribbon School Award from the Department of Education, one of only 12 Connecticut schools and one of only 350 nationally. So well done, St. A's.

DEPUTY SPEAKER SAYERS:

Welcome and congratulations.

Will The Clerk please call Calendar Number 475.

THE CLERK:

Good morning, Madam Speaker. On today's Calendar, the Calendar for Wednesday, May 15, 2013, Calendar 475 on page 26. Report of the Joint Standing Committee on Judiciary, HOUSE SUBSTITUTE BILL 6638, AN ACT CONCERNING THE MAXIMUM PENALTY FOR VIOLATION OF A MUNICIPAL ORDINANCE REGULATING THE OPERATION OR USE OF DIRT BIKES, ALL-TERRAIN VEHICLES OR SNOWMOBILES.

DEPUTY SPEAKER SAYERS:

Representative Matt Ritter.

REP. RITTER (1st):

Madam Speaker, good morning to you. Get to follow a lot of people here today, good food and good song. So as you said this bill does a couple of things. There's two sections to the bill and we will have an amendment to call on it.

The first one is it allows municipalities, pursuant to Title 77-148, which is the general power section for municipalities, to adopt an ordinance allowing them to levy fines for people who use dirt bikes in an illegal fashion. There was a lot of testimony particularly out of the City of New Haven, Senator Looney as well, on the problem that they've had.

So then the section -- second section also is what is also -- the first section as it relates to dirt bikes, basically we're increasing the fine for people who either ride dirt bikes illegally or also would use all-terrain vehicles and things like that, \$500 for the first fine, \$1,000 for the second one, and \$2,000 for the third fine. And that was something that was worked out in the Judiciary Committee.

I should also mention Representative Dillon, Representative Holder-Winfield, others, have talked to

hac/gbr  
HOUSE OF REPRESENTATIVES

11  
May 15, 2013

you about this bill as well, and really appreciate their -- their advocacy concerning this issue.

The Clerk is in possession of an amendment, I believe, and would ask that the Clerk please call LCO Amendment 6457.

DEPUTY SPEAKER SAYERS:

Will the Clerk please call LCO Number 5647 --

A VOICE:

6457.

DEPUTY SPEAKER SAYERS:

Excuse me, will the Clerk please call Calendar number -- LCO Number 6457, designated House Amendment "A".

THE CLERK:

House Amendment "A", LCO 6457, as introduced by Representative Dillon.

DEPUTY SPEAKER SAYERS:

The Representative seeks leave of the Chamber to summarize. Is there any objection to summarization? Seeing none, please proceed, sir.

Representative Ritter.

REP. RITTER (1st):

Thank you, Madam Speaker.

hac/gbr  
HOUSE OF REPRESENTATIVES

12  
May 15, 2013

Yeah, it's really not a huge change, it simply just kind of makes reference to 7-148, which I referenced in my earlier remarks, which is the general municipal power section. And other than that it's a pretty similar strike-all amendment to the original language. Yeah, so I would move adoption of Amendment "A", Madam Speaker.

DEPUTY SPEAKER SAYERS:

Question before the Chamber is on adoption of House Amendment Schedule "A".

Will you remark on the amendment?

Representative Rebimbas of the 70th.

REP. REBIMBAS (70th):

Good afternoon, Madam Speaker. Madam Speaker, I rise in support of the amendment and then I'll reserve my comments for the underlying bill.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

Representative Sawyer of the 55th.

REP. SAWYER (55th):

Thank you, Madam Speaker.

Since the amendment is a strike-all and becomes the bill, may I -- I apologize, it strikes section

hac/gbr  
HOUSE OF REPRESENTATIVES

13  
May 15, 2013

one, my apologies. In this particular case, through you, a question to the proponent of the amendment?

DEPUTY SPEAKER SAYERS:

Please frame the question.

REP. SAWYER (55th):

In the description of what is a "dirt bike," does it also carry the definition of a multi-wheeled vehicle, could it also encompass a three-wheeled vehicle?

Through you, Madam Speaker.

REP. RITTER (1st):

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Thank you, Madam Speaker.

Through you, the definition actually specifies a two-wheeled motorized vehicle. So I suppose if it was more than two, we'd probably be tied into Title 14, in particular 14-390 and that section around there which would probably define other types of vehicles like ATVs.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sawyer.

REP. SAWYER (55th):

And through you, Madam Speaker, is there a reason why ATVs and three-wheeled vehicles are not being included in this?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Thank you, Madam Speaker.

Through you, in -- well, section one is meant specifically to deal with the issue of dirt bikes. And actually I spoke with good Ranking Member of Judiciary about this, the -- the format is a little unique I would say.

So the first section is for dirt bikes. Section two is applicable to ATVs and those types of bikes. It has the same gradual fine process. Could it have been done in a different manner? I suppose.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sawyer.

REP. SAWYER (55th):

hac/gbr

15

HOUSE OF REPRESENTATIVES

May 15, 2013

And through you, Madam Speaker, then the fines will be similar for two-, three-, or four-wheeled vehicles?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

Any vehicles, yes, the answer is yes. And I would say, I want to be careful for any two-, three-, or four-wheeled vehicles. It would be applicable to dirt bikes as defined in this amendment or in the vehicles that are referenced in Title 14 and 3 -- - 390. But I suppose that wouldn't be any four-wheeled vehicle.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Madam Speaker.

And is any cc size, that referring to an engine size, applicable to this? Does it also include what we have formerly known in the vernacular as "pocket

hac/gbr

16

HOUSE OF REPRESENTATIVES

May 15, 2013

bikes," which are less than 50 cc's. Would they also qualify?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

And I'm certainly getting a tutorial in the different types of bikes that exist out there. If a "pocket bike" is a two-wheeled vehicle that, yes, has less than 50 cc's, I believe section one would be applicable.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Madam Speaker.

And I thank the gentleman for his answers.

DEPUTY SPEAKER SAYERS:

Representative Miner of the 66th.

REP. MINER (66th):

Thank you, Madam Speaker.

I, too, have a couple of questions on the amendment as proposed, please, if I might.

hac/gbr  
HOUSE OF REPRESENTATIVES

17  
May 15, 2013

DEPUTY SPEAKER SAYERS:

Please frame your question.

REP. MINER (66th):

Thank you, Madam Speaker.

Through you, is there -- is there currently in statute an opportunity where municipalities can adopt an ordinance to regulate the use of motorized, two-wheeled, recreational vehicles on private property?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

Just -- I'll say this that generally speaking in 7-148 if one were to go look at it, there's a ton of powers municipalities have. To my knowledge there's nothing specifically allowing them to regulate "dirt bikes".

Could one make the argument they have the inherent right under the Home Rule Act to do it under certain powers just regulating safety, could make that argument. I think the key here though is also the graduated -- graduated fine process, \$500 for the first, \$1,000 for the second, and \$2,000 for the

hac/gbr  
HOUSE OF REPRESENTATIVES

18  
May 15, 2013

third, which they would not have the statutory authority to do without this new law.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

And so I know there were a number of questions posed by Representative Sawyer trying to make sure which vehicles were and were not potentially included in this. There are also motorized, I think they're almost a scooter, it's something you stand on. Would the gentleman know, through you, Madam Speaker, whether those would be included in this language?

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

Does the good gentlemen mean like Segway-type thing?

Through you, Madam Speaker, just to clarify if you don't mind.

DEPUTY SPEAKER SAYERS:

hac/gbr  
HOUSE OF REPRESENTATIVES

19  
May 15, 2013

Representative Miner, if you would just clarify,  
please.

REP. MINER (66th):

Thank you, Madam Speaker.

I hadn't thought about that, but I would say yes.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

A Segway is not designed to travel over, as you  
look at the definition, unimproved terrain I would  
argue. So I suppose a Segway may not be applicable in  
this current instance.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

And I would ask, is there a distinction in this  
legislation as proposed between an electric vehicle  
and one that would operate under a combustion engine,  
through you.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

hac/gbr  
HOUSE OF REPRESENTATIVES

20  
May 15, 2013

REP. RITTER (1st):

Through you, Madam Speaker, I do not believe so.

DEPUTY SPEAKER SAYERS:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

Inasmuch as this does kind of track the underlying bill, I think I'll save the rest of my questions for the bill itself.

Thank you. I thank the gentleman.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

Representative Dillon of the 92nd.

Is this on the amendment, ma'am?

REP. DILLON (92nd):

Yes, Madam.

DEPUTY SPEAKER SAYERS:

Okay. Please proceed.

REP. DILLON (92nd):

Thank you.

I rise in support of the amendment although it was actually recommended to us after the Ranking Member of Judiciary and the leadership of the Judiciary Committee were very helpful in drafting the

hac/gbr  
HOUSE OF REPRESENTATIVES

21  
May 15, 2013

underlying language. The Legislative Commissioner's Office wanted to make sure that it was clear that actually municipalities did have this authority. We weren't granting new authority, and that the cap was on the dollar amount.

It -- they saw it as a very technical amendment, and -- and persuaded me that it was something that made express what was already in the statutes.

Thank you very much, and I support the amendment.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

Representative Candelora of the 86th.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

I guess just to make a comment, I don't think I have any questions. I think Representative Miner asked some of the questions and received the answers. I do have some concern with how we are defining "dirt bike" under this statute, because I think what we're clearly contemplating here is one thing, but when you read the definition it potentially could bring in a whole host of other items.

In particular, I know that the Segways, for instance, do have the ability to operate off-

terrain and on sidewalks. There's two type of vehicles that actually could be used in that nature. Additionally, we have scooters, you know, my children own a couple of them that I think was fall under this definition of "dirt bike." But I don't think that would really be what we're intending to do here.

And so my general concern is that the definition is probably not vague enough necessarily to call into question whether or not a municipality would have the authority to regulate these vehicles. I would argue that potentially a municipality could end up regulating these vehicles.

And I guess my other concern which, and I'm not sure if the Representative can answer this question, in lines five we're discussing the option of regulating the operation and use including the hours and the zones of use. Is the intention here that a municipality could designate certain types of property like commercial property, industrial property, residential property, those typical designations that a municipality has to exclude the use of these type of vehicles on those type of properties?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

hac/gbr  
HOUSE OF REPRESENTATIVES

23  
May 15, 2013

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker, I think what a municipality could do is certainly regulate their use and time of use and in public streets, arteries, public highways defined pursuant to General Statute. Private property I think might be a trickier issue.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

I like that answer. And so when a municipality is seeking to regulate this, the intention is to regulate its use in public areas as opposed to private property?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

Yeah, I think for legislative intent, I don't -- I don't mind saying that. I think that is the intent. It's in public rights of way.

hac/gbr  
HOUSE OF REPRESENTATIVES

24  
May 15, 2013

Through you, Madam Speaker, and hope that gives good comfort to the good Representative.

DEPUTY SPEAKER SAYERS:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

I appreciate that answer, and I think it's -- it is helpful. I would just hope that a municipality would or a court would look to legislative intent if this issue ever does arise. Because typically when I -- when I look at the word "zone of use," I'm just reminding if the planning and zoning process where a planning and zoning commission can designate private property for particular types of use.

And I think this treads very closely to allowing potentially I think a municipality of going in that direction. So I think it's helpful to create that legislative intent that -- that this is limited to -- to roadways. And certainly, I guess it would help on the definition of -- of "dirt bikes" because typically you're not going to see these 12-mile motorized kids' scooters in roadways. They are typically used on people's driveways, and I would hate to see us sort of

inadvertently bringing those type of things under the provisions of this statute.

I'm a bit concerned about the drafting, and I will continue to listen to the discussion. Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

Representative Aman of the 14th.

REP. AMAN (14th):

Thank you, Madam Speaker.

I do have some questions to the proponent of the bill regarding this. Most of the discussion it seems have been about the use of these dirt bikes or vehicles, appears to be regarding cities is the way the conversation is going. But for those of us that has more rural land, we also have some problems with these vehicles and other types of vehicles going through. So I do have some questions through the proponent -- to the proponent of the bill.

DEPUTY SPEAKER SAYERS:

Representative Ritter, please prepare yourself.

REP. AMAN (14th):

Yes, would a municipality under this be able to regulate the use of these dirt bikes on farm roads?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

If the farm road was, again this sort of goes back to the previous conversation, I suppose a public-maintained street or highway and the municipality felt through its legislative body or anyway that they would adopt an ordinance, if they would like to restrict, I think the answer would be yes. If it was sort of a private road that was contained in someone's property, I think the answer might be no.

Through you, Madam Speaker.

REP. AMAN (14<sup>th</sup>):

Yes.

DEPUTY SPEAKER SAYERS:

Representative Aman.

REP. AMAN (14th):

Yes, following up on that, there's a variety of farm roads that are on land that either the towns own or they have development rights that are being used for agricultural purposes. They're kind of a hybrid

between private property and town-owned property.

Very often the land merges from one to the other.

And through you, Madam Speaker, is this something that the bill would give a town the permission to regulate?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker, I suppose like I said, if it goes back to the public context, it would give them the ability to potentially regulate it. The one nice thing about enabling legislation, through you, Madam Speaker, is we're certainly not forcing any town to adopt this. And the other nice thing about enabling legislation is every town can sort of fit it to its best interest. They need not adopt anything, but they could adopt it if they'd like to. And certainly there might be different communities that would approach it in a different manner.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Aman.

REP. AMAN (14th):

Yes, next series of questions that I'd have concerns the fines of 1,000 -- up to \$1,000 for a first offense, 1,500 for a second violation, and not to exceed 2,000 for subsequent violation. Those fines seem to be extremely heavy to me as a maximum size.

And through you, Madam Speaker, as to wondering where those fines were determined since they are, while they could be up to that amount, it is a very large fine to give someone for riding a dirt bike.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker, and it's a very good question from the -- from the good gentleman. What I would say is that it was worked out. Originally the bill was going to be a \$2,000 fine, and I think in the Judiciary Committee we sort of talked about it, there was a feeling that it was a little steep.

As Representative Aman alluded to, it's an amount not to exceed, so again the town could adopt a smaller schedule. But the feeling in the testimony was that it has become a very major problem, and a very large

hac/gbr

29

HOUSE OF REPRESENTATIVES

May 15, 2013

fine may help to deter the situations that have been occurring.

But again, a municipality need not go up to those higher levels. But these fines -- this fine schedule was something that was worked out in the committee process because as the good Representative alludes to, they are higher than most municipal fines which normally when statute is found is a maximum of \$250.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Aman.

REP. AMAN (14th):

Yes, in the committee discussion of the fines and fine levels, were these fines compared to other fines for other municipal ordinances that people could violate? What I'm trying to get at is how these relate to other finable offenses that a town may do.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

Not surprisingly, I think the municipal fines and what would be a permit pursuant to state statute are

hac/gbr  
HOUSE OF REPRESENTATIVES

30  
May 15, 2013

all over the place, all the way from blighted premises  
type of ordinance or statutes and things like that.

So I would say this that the sliding scale and going  
up to \$2,000 is probably on the high end, through you,  
Madam Speaker, that's probably a fair -- fair way to  
characterize it.

DEPUTY SPEAKER SAYERS:

Representative Aman.

REP. AMAN (14th):

Yes, it's also my understanding that these fines  
for a violation could be appealed to a Superior Court.

Through you, Madam Speaker, is that correct that  
they are appealable?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Yes.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Aman.

REP. AMAN (14th):

And following up on that, being a nonattorney I'm  
trying to understand that if -- if a violation is

hac/gbr  
HOUSE OF REPRESENTATIVES

31  
May 15, 2013

cited, would it have to be done with a police officer, if it was appealed through basically the prosecutor's office to prosecute the offense and go through everything else that would be involved in this type of -- of fine.

I'm looking at someone whose facing a \$2,000 fine and saying at that point I got a feeling that they're going to fight it very hard and they're just trying to figure out what would be the process involved that the town would have to do to actually collect the fine if it was not just a check in the mail.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

I suppose it would be similar to other types of fines, parking fines, things like that. If someone wanted to challenge it, you would have to have your day in court. I think that the -- the hope of the towns though is that A, be given the amount of the -- the amount of the fine that, A, would help prevent it, but also if somebody wants to challenge, they do have to spend some time and go to court, but they do have

hac/gbr  
HOUSE OF REPRESENTATIVES

32  
May 15, 2013

that right to do it. And, yes, it would require the town to do -- certainly get involved to some degree.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Aman.

REP. AMAN (14th):

Yes, also considering these fines, if -- under this bill since it's a municipal fine, where does the money go to? Does it go 100 percent to the town, part to the state, part to the town, or basically how is the, again say it did reach a \$2,000 fine, how is that money distributed?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

It would not go to the state, it would go to the municipality. I suppose it would go to their general fund unless somehow they wanted to put it into a different type of fund which would be their own internal budgetary process.

I would note that the OFA fiscal note talks about potential revenue increases in the out years for

municipalities, but it's obviously very difficult to predict how many of these fines would be levied and collected and things like that.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Aman.

REP. AMAN (14th):

Yes, I think I'd agree with the fiscal note. I think it's going to be very difficult to collect these fines. And if they have to go to court, from my experience with our local police department trying to get anything that isn't a severe case into court just doesn't occur. And so I'm -- I'm really wondering if this legislation is going to actually have any real impact or if it's just going to make municipalities feel good that they've been able to say we passed an ordinance about this, and then have the citizens come back six months later and say but things aren't any better. Those people who are making our life miserable are still running up and down the street. I'm comparing it to the regulations of the noise ordinance of trying to prove it, trying to enforce it. And the police department's basically throw up their hands and say there's not much we can do about it.

hac/gbr  
HOUSE OF REPRESENTATIVES

34  
May 15, 2013

And unfortunately, I feel that this may fall into the same category as feel-good legislation that a town may pass, a municipality pass, but really not correct the problem that they're dealing with.

So I thank the proponent for his answers.

And thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, sir.

Representative Sawyer, do you wish to speak again on the amendment?

REP. SAWYER (55th):

Yes, Madam Speaker, for the second time.

DEPUTY SPEAKER SAYERS:

Please proceed.

REP. SAWYER (55th):

Thank you, just a quick question, through you to Representative Ritter.

DEPUTY SPEAKER SAYERS:

Representative Ritter, please prepare yourself.

REP. SAWYER (55th):

If we are talking about the streets in a municipality, are -- aren't these -- these vehicles already illegal because they are not street worthy?

Through you, Madam Speaker.

hac/gbr  
HOUSE OF REPRESENTATIVES

35  
May 15, 2013

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

That argument could be made if you look at other statutory schemes. I think the key here also is establishing the fine and the structure of the fines for the municipality.

Through you, Madam Speaker, so I think there's another aspect to the bill beyond that.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Madam Speaker.

And if someone, through you to Representative Ritter, if someone were to be arrested right now on a street with having an unregistered vehicle that is not road worthy, what is the current fine?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

I would -- it would be hard to -- to guess what it could be because they could probably be pulled over for a host of different things. And then a judge could look at the criminal statutes or the civil statute and see what this gentleman or this individual was doing incorrectly. So the -- the fines could vary. Quite frankly, it would really depend on what the individual charge was.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Madam Speaker.

I suspect that people would be arrested for driving an unregistered vehicle and, in that case, they would have a charge to it. And I think that is something that we should investigate because I am a little concerned when we're looking at fines up to \$1,000, \$1500, \$2,000, that that's significantly more than the average fee to having an unregistered vehicle.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

hac/gbr  
HOUSE OF REPRESENTATIVES

37  
May 15, 2013

Representative Smith of the 108th.

REP. SMITH (108th):

Thank you, Madam Speaker.

Just a few questions to the proponent of the bill, please.

DEPUTY SPEAKER SAYERS:

Please proceed, sir.

REP. SMITH (108th):

I'm sorry, in terms of the amendment, I was interested with the dialogue between Representative Candelora and Representative Ritter in terms of the zone of use and whether this is really designed to deal with public property or private property. And I understood the answer was this is designed for public property. But I'm thinking in the back of my mind if one has a dirt bike and perhaps a dirt-bike trail on his or her property and they're riding the dirt bike incessantly throughout the day into the night, first thing in the morning, and a neighbor complains about that, even though it's on private property would the municipality be able to regulate the use and operation of that dirt bike?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

It's an interesting question. For that dirt-bike lover who is riding night and day on it, I suppose this would not be the ordinance that you'd want to enact. Actually Representative Aman alluded to a noise ordinance, things like that. I suppose that might trigger it, but again it would depend on the local municipality's ordinances and their feelings towards it.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Smith.

REP. SMITH (108th):

And I thank Representative Ritter for his answer. And so which is consistent with his previous answer that this is really designed for public property versus private property. And for legislative intent, that's another indication that for the municipality if they wish to regulate dirt bikes on private property, they need to do so through a different type of ordinance that what we're proposing here in this bill.

And I just want to make sure that my understanding of his answer is -- is fair and accurate.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker, that's a fair characterization.

DEPUTY SPEAKER SAYERS:

Representative Smith.

REP. SMITH (108th):

Thank you.

And that helps me with this, you know, support of this bill. I am concerned about the fines. I was concerned about the fines in the Judiciary Committee, and I do notice that they have been changed here with this amendment. But I do think they're excessive, especially for a dirt bike violation. You know, if you have a violation driving your vehicle, typically the fines are much less than up to \$1,000. You're looking at 100, maybe 200 dollars. An excessive fine with a motor vehicle is \$500. To see it up to \$1,000, 1500, then 2,000 seems to me just to be perhaps a way

hac/gbr

40

HOUSE OF REPRESENTATIVES

May 15, 2013

for a municipality or a town to add some revenue to the coffers when everybody is a little tight these days. So I am concerned about that. I'll listen more to the dialogue, but that is an issue that still is a problem for me.

So thank you, Madam Speaker, and thank you Representative for his answers.

DEPUTY SPEAKER SAYERS:

Representative Miner, did you wish to speak on the amendment for the second time?

REP. MINER (66th):

Thank you, Madam Speaker, I did. I had a couple or more questions if I might, through you.

DEPUTY SPEAKER SAYERS:

Please frame your question.

REP. MINER (66th):

As I understood the dialogue earlier relative to whether these ordinances would -- would be directed toward the use of these vehicles on public property, meaning roadways, my question is would the -- would the violation, would the fine be assessed to the owner of the dirt bike or to the operator?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

Another good one, very good question, Representative Miner. I believe in this case what they would have to do is probably go to ultimately to the -- to the owner of the -- of the person who was riding the dirt bike. And hopefully, most times it might be the same person, it may not be in others, but I think you have to go to the owner in this particular example.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Miner.

REP. MINER (66th):

And so through you, if I -- if I lived in a community that had an ordinance and the ordinance said that you're not allowed to ride these, I'll use Litchfield for an example, you're not allowed to ride them in the borough. Knowing already that it's illegal to have them on the road, and the dirt bike is taken by your child up and down Meadow Street they go, if I was the owner of record, then I would be issued the fine?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker, I think that's correct.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

And I thank the gentleman for his answers. I was, as I said earlier, inclined to hold my comments for the bill, but I -- the more I listen, the more I get concerned about the way this is drafted, Madam Speaker. It's -- I understand the intent. I've -- I've operated a regular licensed vehicle in New Haven and in Hartford and a number of other municipalities where more often than not, two-wheel, four-wheel, three-wheel motorized vehicles that are almost out of sight in about the time it takes you to blink are operating on the roadways. And I think we've established already that that's against the law. I'm kind of perplexed that by adding a \$2500 fine it's

going to change somebody else's habits. Because I think what I've heard already from law enforcement is you can't catch these kids. And no one wants to chase them because they don't want to have the liability if there's an accident.

So I'm kind of curious as to how this is going to ultimately end up in any way different than what currently occurs in some of these neighborhoods. It's an unfortunate situation. It's certainly not anything that anybody I know that drives a motor vehicle is prepared for to see a pack of these come down the roadway.

And I understand in terms of people who live there, motorists, pedestrians, it's -- it's an unwelcome site and I think we ought to be looking for ways to try and resolve it. I'm just not convinced that this is really going to do it.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

Representative Srinivasan of the 31st.

REP. SRINIVASAN (31st):

Good afternoon, Madam Speaker.

DEPUTY SPEAKER SAYERS:

hac/gbr  
HOUSE OF REPRESENTATIVES

44  
May 15, 2013

Good afternoon, sir.

REP. SRINIVASAN (31st):

It's very curious that of all the days today when I was out in the morning coming here to the Chambers, I bumped into a constituent of mine and his question to me was, Doc, could you do something about the dirt-bike trails. And so we got into a conversation about the dirt-bike trails. I'm not very knowledgeable about them. I don't ride one. And until he updated me on the problems that he faces. And here we are, the first bill that you bring up is about dirt bikes. And needless to say, I will call my constituent at the end of this conversation and how we vote today.

Through you, Madam Speaker, if I could ask, would the -- would this apply to trails that are -- that may be in state property as well or only if it is owned by municipalities?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker, I suppose if it was a state trail, and like you, Doctor, you know, dirt bikes and dirt-bike trails are not things that I admit

to -- I know a lot more about the Red Sox than I do about dirt bikes. But having said that, Madam Speaker, through you, I suppose that with state -- if it was a state-maintained bike trail, they might set their own hours like a state park. I suppose if the municipality maintained and had its own, again this would go to the ordinance including hours, zones of use, they could set things like that. I suppose they would allow dirt bikes be used on, but they might say from sunset to, you know, you can't use it, you know, between the hours of sunset and sunrise or something like that.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker.

I do want -- I want to thank you for that answer. So if I understand that if a state trail in that situation, the state will set the rules in terms of the hours of operation, whereas if it is owned by the municipality, the municipality then gets to decide what the operational hours are.

Through you, Madam Speaker.

hac/gbr  
HOUSE OF REPRESENTATIVES

46  
May 15, 2013

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Yes.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker.

The one final question, since I'm not very familiar with these dirt bikes, would this -- would this apply only on the streets of the municipalities or would it be -- if the municipality had a trail, let's assume Glastonbury has one, if they had a trail, would it apply only to the trail alone?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

Certainly the ordinance is meant to apply really to people who are riding dirt bikes down Main Street. That's really the concern of this. I don't know that there's anything in this ordinance, with or without

it, that would preclude the ability of the municipality to regulate the use of dirt bikes on their own maintained dirt bike trails. I think they already had that inherent legal authority anyway.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Srinivasan.

REP. SRINIVASAN (31st):

And through you, Madam Speaker.

So it is -- it is each municipality then, through you, Madam Speaker, that gets to decide on where this is going to apply and on what roads and what trails and what hours?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Absolutely, Madam Speaker, no word "shall" appear in here. It's always "may" and it's optional in enabling legislation.

Through you, Madam Speaker.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker.

hac/gbr  
HOUSE OF REPRESENTATIVES

48  
May 15, 2013

And I want to thank you for the answers. Thank you.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas of the 70th.

REP. REBIMBAS (70th):

Thank you, Madam Speaker, for the second time on the amendment. Just a few questions, through you, to the proponent of the amendment.

DEPUTY SPEAKER SAYERS:

Representative Ritter, please prepare yourself.

Proceed, ma'am.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

There's been quite a few questions and very good questions for clarifications regarding the amendment and how it may impact the underlying bill. And certainly some of the concerns raised is how the amendment has been worded. There's some concern again, this is a "may" for cities and municipalities, that they "may" create ordinances. But it's really not specific as to how far those ordinances could be, is it only on public property versus private property.

But, through you, Madam Speaker, to the proponent of the amendment, in the amendment that is before us,

is there any clarifying language restricting the municipality or a city to strictly only have -- create an ordinance that would be for public property?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker, I know -- I suppose the ordinance and the speech, although the line of questioning has sort of led me to this legal analysis and thinking is that dirt bikes are legal. They're legally owned and things like that. So I don't know how a municipality could, even with this ordinance or in any law, say that you can't own one. Right? I mean that's -- that would be outside of the scope of municipal authority. That really speaks to police powers which we do up here. So I guess I would say that that sort of just based on existing case law and statutory schemes, I'd argue that we know that private property, and the ability to have one on private property probably wouldn't be impacted on it.

But I do want to caution, (inaudible) that other ordinances like noise ordinances and those things

could be triggered, but the possession and use of it under this ordinance wouldn't really be related.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And that's one of the concerns. Again we want to be certain as we move forward in passing the amendment and ideally the underlying bill that that's clarified because in the amendment it does indicate again that it's the hours of operation as well as the zone of operation. And those are concerns and obviously the operation in and of itself. We also don't want to make it too narrowly that we eliminate the town's ability to regulate whether it's a noise ordinance and things of that nature which they already have within their powers. But we also don't want to expand to give any powers to the municipality or a city to then designate certain zones which potentially could be private property or the actual operation of the vehicles during daytime on private property in that regard. But we also want to keep in mind that public property can consist of a variety of different forms.

It could consist, as we had discussed, roadways, but we also have public property that could be wooded areas.

One of the reasons in our discussions regarding the bill and the testimony before us, that these fines are up to \$1,000 for the first violation, up to 1,500 for the second violation, and up to 2,000 in any subsequent violation after the third violation, the reason is, and the reason they appear to be, which some have already testified to, a little excessive is because we heard testimony that some of these people are actually going onto these properties and cutting down trees, cutting down other shrubbery.

So the damage that's being caused isn't necessarily just the mere trespass, there could be other types of violations. And again what we're trying to do is enumerate the ability to the towns to make these ordinances. There's nothing in this amendment that requires a town to come up with an ordinance. It just simply says that if you do have any types of laws or want to pass an ordinance these are the maximum amounts. Because again, we don't want to make it too burdensome on the person. We're trying to deter this type of behavior on those properties.

We also did hear testimony through CCM who supported the legislation that's before us. And we certainly did hear a lot of testimony as well that wanted fines much higher.

I do know that we also heard from Representative Aman earlier regarding, well, what's the enforcement mechanism? Well, certainly that's a challenge that we have with a variety of different ordinances we have. But certainly in this particular case we are trying to deter behavior that is reckless and certainly could be dangerous. It could be dangerous to not only the person who's driving the vehicle, but other people who come across their path. And again, there is damage to certain properties, whether that's public property as well that then the cost of having to address that, whether it's going through parks or forests or even town property, let's say on town hall property. Many times, we unfortunately see kids riding their bikes even on our town lawn -- town property in that regard causing damages.

We want to make sure that the town has the ability to address the situations that are occurring in their towns. And I do believe that this amendment does it, but we do have to also make sure that what

we're providing them with the ability to do isn't going to impede on the private property owner as well.

So, through you, Madam Speaker, just again for further clarification purposes, in section one, it defines what a dirt bike is and then it enumerates that there are certain other vehicles that are excluded in the definition of a dirt bike in section one. How does section one apply or would it apply to section two, the remaining of the bill? Because I want to make sure we have a clear picture of then what vehicles will be impacted by the legislation that's before us.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

I apologize. And I'm not going to make the good Ranking Member ask it again, I think what she's referring to, through you, Madam Speaker, was what are we excluding from the definition of section one?

Through you, Madam Speaker. I'm sorry.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

hac/gbr  
HOUSE OF REPRESENTATIVES

54  
May 15, 2013

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

My apologies if I wasn't clear. And certainly, let's -- we could start from what is being excluded then in section one.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Thank you, Madam Speaker.

I apologize to the good Ranking Member. What we're excluding is all-terrain vehicles and other types of vehicles that are defined in 14-379. And so when you look at section two of the underlying bill, you'll see reference to those types of things. It's all-terrain vehicles, otherwise known as ATV, or things like that. So that's what we're excluding, and we're trying to limit this particular section to, as I said, just two-wheel type motorized recreational vehicles.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And thank the Representative for his response in that regard.

And regarding the definition of a "dirt bike," as I read it before us in this amendment it certainly does characterize it as a two-wheeled motorized recreational vehicle. Are we narrowly defining what a dirt bike is? Because I think for many of us, when we think of a dirt bike we probably think of the stereotypical bike with the two wheels on it that is commonly referred to as a dirt bike. But through the testimony that we've heard and the questions, certainly people have discussed a Segway, which again many of us probably have the vision of a Segway that you see more often than not on television, that you again see people riding on sidewalks and roads. But it's certainly conceivable whether it's a Segway or some other type of vehicle that could be manipulated or designed, even privately or commercially, in a way that would meet the definition that's in this amendment, a two-wheeled motorized recreational vehicle that again may not stereotypically fall under what we perceive to have an understanding of what a dirt bike might look.

Would then, let's take, for example, a Segway. If a Segway were to be modified in a way that it could be used over unimproved terrain, would that, then, meet the definition of section one?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

I may want to own one of these things, it would be a pretty unique Segway. If you could design it, I suppose, and it could go over unimproved terrain, which I don't know if the basic model is meant to do it, sure. You know what, I bet it could be covered under this ordinance.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And thank you to the Representative for his response in that regard.

Also, through you Madam Speaker, the violations that we've enumerated in this amendment, I want to

make sure that we're not also overstepping our authority and impeding any city or municipality that may already have violations in their ordinances.

Through you, Madam Speaker, do we have any information of -- from any municipality or city in the State of Connecticut that currently already has a fine and an ordinance that might exceed the limitations that we're placing in this amendment?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker, I'm not sure if other municipalities have that, but they'd be violating state statute because the maximum fine without our express authority is 250, through you, Madam Speaker. So if they went above anyway, they couldn't collect it.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And just for some further clarification, under this amendment for the third violation the language is

that it is not to exceed \$2,000 in any subsequent violation past that. Is that my understanding then for a fourth or fifth or potentially a tenth violation, would it be limited at \$2,000?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

That's correct.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

DEPUTY SPEAKER SAYERS:

Thank you, Madam Speaker.

And through you, Madam Speaker.

I know through earlier testimony, too, there was an indication that there is some challenges that some cities or municipalities may have in the collection of these types of fines. Would this amendment and the underlying bill allow for a municipality, if they were unsuccessful in collecting on this fine, be able to place a lien on the violator's individual either personal property, which I could conceivably believe

maybe a vehicle that they might own, or real property, if they were a homeowner in that town or city?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

I don't know that a real property lien. I know that we're very cautious up here when we grant that legal right to do that. I sort of think about like parking tickets maybe as a similar comparison and what a municipality may do to go after uncollected parking tickets. And I think they'd be limited in liens and they'd have maybe other remedies that they could use. I know that they can boot cars and things like that, so maybe we'd be talking something more along those lines. But I -- I'd be unfair to sit here and say you could do a real property lien without, again, express written permission from the General Assembly.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And, Madam Speaker, through you, because many of the members that are in the floor of the House currently didn't have the opportunity to sit through the public hearing, could the kind Representative just kind of describe to us what the problem was that led to the underlying bill that's here -- that's leading to the amendment, which is potentially going to become the underlying bill that's here before us.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Thanks, Madam Speaker.

And to the good Ranking Member, I appreciate the question. And there was two Senators that testified, Senator Looney and Senator McLachlan, this was bipartisan testimony. And I think one of the good points that you heard is a dirt bike has -- when you think about a car, it has turn signals, it has various things that -- license plates, things that help us as drivers and as society know, first of all, you can trace it back, you can turn left or right. It has different safety features that are required federally, you know, for a car to be built or a motorcycle to be

built. Dirt bikes sort of fall into a different world and so the feeling is that it's unsafe for the driver, it's unsafe for people around them. And there's been instances in which people are not compliant with traffic laws, anything like that, and just creates dangerous situations.

I think, through you, Madam Speaker, Representative Miner, described things that he's seen driving in places like that. So it's the protection of not only the people who are driving around, also the protection of that individual and just to make sure that we adhere to the normal safety standards that we expect on the roads.

Through you, Madam Speaker, public roads.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And, through you, Madam Speaker.

Does this amendment and the underlying bill prevent at all other charges to be made against the perpetrator? In other words, if they were to go on to whether that's public property that says no

trespassing or any other private property conceivably if this extends to private property just for hypothetical purposes, does that prevent any other charges from being made against the perpetrator? And when I say "charges," criminal charges? Or would this just be an additional enforcement mechanism that the city or municipality would have?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

Not at all. And I can imagine there could be a host of charges, trespass is one that the good Representative mentioned. There's got to be some sort of criminal negligence potentially for riding one of these things if you injured somebody or something like that.

Through you, Madam Speaker, and those would not be excluded because of this ordinance.

Through you.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And I'd like to thank the kind Representative for all of his responses. I think what we've attempted to do here today through all the testimony and questions was kind of to highlight some of the uncertainties and unclear language that the amendment before us has.

The intent again is to curb what certainly Representative Ritter had already indicated as a problem that we have in not only cities as to the use of the vehicles but even in our suburbs as well, that we want to make sure that these vehicles are being used in a responsible way and not recklessly. But yet, if they are being used recklessly and causing damage to property, that the -- that the towns and municipalities, cities, have some type of ordinance mechanism that hopefully could curtail that in that regard.

So I think we're continuing these discussions on the amendment in order to see if we can determine if there is a proper way of really narrowing down the intent and making the amendment that's before us even a better amendment or -- and/or the underlying bill.

So, once again, I'd like to thank the Representative for all of his responses.

And thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

Representative Miller of the 122nd.

REP. MILLER (122nd):

Thank you, Madam Speaker.

I have a couple of questions to the proponent.

DEPUTY SPEAKER SAYERS:

Please frame your questions.

REP. MILLER (122nd):

Thank you, Madam Speaker.

Is there an age limit as far as people who ride  
these bikes?

Through you --

DEPUTY SPEAKER SAYERS:

Representative --

REP. MILLER (122nd)

-- Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

hac/gbr  
HOUSE OF REPRESENTATIVES

65  
May 15, 2013

Not to my knowledge. I don't know that there's any age limit in state law to who can ride a dirt bike.

Through you, Madam Speaker.

REP. MILLER (122nd):

And through you --

DEPUTY SPEAKER SAYERS:

Representative --

REP. MILLER (122nd):

-- Madam Speaker, should a youngster borrow a dirt bike and get caught by police, the fine, who will pay the fine? And how would the state, you know, how would that be handled?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

I suppose you're thinking of a young kid, takes his dad's dirt bike out, and rides it and gets caught, I believe it would go the owner in that case.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Miller.

hac/gbr  
HOUSE OF REPRESENTATIVES

66  
May 15, 2013

REP. MILLER (122nd):

So, through you, Madam Speaker, the owner would have to pay?

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker, I believe that's how it would operate, yes.

DEPUTY SPEAKER SAYERS:

Representative Miller.

REP. MILLER (122nd):

And through you, Madam Speaker, should a youngster steal a dirt bike, how would that now be handled?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker, if by "steal" we mean by legally steal, right, as opposed to borrow or take dad or mom's dirt bike out. If someone stole your dirt bike and was caught with it, you would not be fined.

Through you, Madam Speaker, and that person would probably be prosecuted to the full extent of the law.

Through you.

DEPUTY SPEAKER SAYERS:

Representative Miller.

REP. MILLER (122nd):

And, through you, Madam Speaker, is there any liability on the part of the State, once we put this into regulation, that we would be liable for any accidents that might happen to a youngster?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

Any liability that would accrue towards a municipality or the State would be unimpacted by this ordinance and would already occur in other case law or other ordinance or statute exists out there.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Miller.

REP. MILLER (122nd):

And, through you, Madam Speaker, should a rider fall in some area and EMS has to come out and they have a 3- or 400-dollar charge, how would that be handled?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

Just on the underlying amendment, an ordinance, again that would have impact on what currently happens. So I suppose if someone was riding a dirt bike on a municipal trail that's allowed or something like that or riding currently without this ordinance, that would be dealt with as it is currently is dealt with any EMS bill or things like that. And I suppose every town would have to figure out how they want to deal with that.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Miller.

REP. MILLER (122nd):

And, through you, Madam Speaker.

So I understand that there would be no liability on the part of the town or the State.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

I don't know if I could make that -- that blanket statement. What I can say is this ordinance would have no impact on -- on liability going forward and -- or liability would be currently set based on other existing statutes, laws, case law. You know, there could be situations where the municipality and State are negligent in someone who is riding a dirt bike on a public trail. We had a huge conversation last session about this whole issue of municipal liability and things like that through recreational purpose.

So I couldn't make a blanket statement like that, through you, Madam Speaker, but I can say this ordinance would have no impact on municipal or state liability.

Through you.

DEPUTY SPEAKER SAYERS:

Representative Miller.

REP. MILLER (122nd):

Yeah, and, through you, Madam Speaker.

I bring that up because it seems to me if you look at somebody the wrong way, they're going to sue you. We -- very litigious society that we live in, and -- and I'm afraid that somebody will find a lawyer that will take a case and bring the town or municipality, whoever has the deep pockets, to court to see if they can get some money. So I just want to be sure that we're off the hook on that area.

Thank you, Madam Speaker, and I thank the Representative for his answers.

DEPUTY SPEAKER SAYERS:

Representative Ackert of the 8th.

REP. ACKERT (8th):

Through you, Madam Speaker, and a couple questions through you to the proponent of the amendment.

DEPUTY SPEAKER SAYERS:

Please frame your question.

REP. ACKERT (8th):

Thank you, Madam Speaker.

And listening to the discussion here, I just -- pretty much just two questions. One is the description of zones and how they may -- having in the

hac/gbr  
HOUSE OF REPRESENTATIVES

71  
May 15, 2013

past served on the zoning board of appeals in my community, our town was obviously broken up in zones. Could the -- could this zone description be accomplished if a town said that the village center zone could not allow and can set certain hours of operation for the operation of these -- of these vehicles? I'll use it as that term.

Thank you.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker, I think the answer would be yes.

Through you.

DEPUTY SPEAKER SAYERS:

Representative Ackert.

REP. ACKERT (8th):

Thank you. And final question, I'm curious as to why there's no stated amount in the revenue gain. Because obviously in -- there must be history in terms of the tickets or violations that have been processed that we would have some record of potential increase if it was potentially less than 250, and now we're

potentially going to 1,000 for the first offense, that there wasn't some number for revenue gain.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

Yeah, and we were talking about this. And, you know, it can be difficult for municipalities to collect fines. We know that. And I think maybe for OFA, they were doing the best they can, limited information, how often would this be utilized, how often would you collect, how often might a copy in other statute to find a penalty or violation to be criminal or something like that, or civil infraction. So I think they did the best they can.

I would think that in a municipality that had a lot of these, an abundance of these dirt bikes, I would think there would be some sort of revenue. But again, it's hard -- it's hard to guess these things, and I think at the end of the day the hope is it's not about the revenue, it's about safety, it's about preventing this from ever happening with the threat of the heightened fines.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ackert.

REP. ACKERT (8th):

And thank you, Madam Speaker.

And I guess just a comment to close, sometimes just raising the -- the fine, people that are breaking laws don't know what the fine is as it's stated now. So raising the amount doesn't sometimes deter that either, but I'll listen to the further debate.

So thank you, Madam Speaker.

And thank you to the good Representative.

DEPUTY SPEAKER SAYERS:

Representative Hovey of the 112th.

REP. HOVEY (112th):

Thank you, Madam Speaker.

Through you, a question to the proponent of the amendment.

DEPUTY SPEAKER SAYERS:

Please frame your question.

REP. HOVEY (112th):

Thank you, Madam.

I just -- for clarification purposes, is there anything in this legislation that helps to designate or identify the actual vehicle such as a registration?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

No problem.

Through you, Madam Speaker, registration of dirt bikes, I was asking that question earlier. My understanding is that there is no registration process for a dirt bike as defined under this ordinance.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Madam Speaker.

And I thank the gentleman for his answer. And that brings to light an issue that has been consistently a problem in my district in that we have areas of open space and land that we have dirt bikes and also ATVs on that are actually abusing the land and abusing the privilege of being on that property.

And we have no way of actually identifying who the culprits are. And those who actually see the -- the breach of law now or hopefully now or protocol or whatever, the breaking of the rules, those who see the breaking of the rules have no way to prove that that red dirt bike with the white fender was the one that was in the park doing the antics that it was because we do not have a registration process for these vehicles. And so, you know, I've long been a proponent of having a registration for dirt bikes and ATVs even if it's minimally say \$20 a year just so that they have a little plate on them that you could identify a specific number or like a little license plate and verify that that was the actual vehicle.

So I'm happy to support this legislation this year. I'm hoping that we will move forward with the identification process in the upcoming years. And I thank the good gentleman for his answer.

DEPUTY SPEAKER SAYERS:

Representative D'Amelio of the 71st.

REP. D'AMELIO (71st):

Thank you, Madam Speaker.

Madam Speaker, I just want to rise to make a correction in the testimony of -- of Representative

hac/gbr  
HOUSE OF REPRESENTATIVES

76  
May 15, 2013

Ritter. I am an avid dirt-bike rider with my son, and there is a registration process. He and I enjoy going to Thomaston Dam which is run by the Army Corps of Engineers, and you cannot ride your dirt bike on any land that's owned by the State or by the Federal government without having proper registration.

There is no registration for ATVs, however, and that's where I think the confusion sets in. But there is very much a process. We have dirt bikes that are - - are registered. Actually I just -- I just registered two of them this week. So I just wanted to clarify that.

Regarding the bill, you know, I'm not sure, like Representative Ackert said, by raising the fines if it really is going to get to the -- to the root of the problem that we're trying to solve here. So I'm just going to keep listening to debate before I make up my mind on that issue.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

hac/gbr  
HOUSE OF REPRESENTATIVES

77  
May 15, 2013

I would like to start off, thank you for that clarification. I acknowledge that I am not a dirt-bike user myself, so I did not know. I knew ATVs were not.

Through you, Madam Speaker, could the good Representative mind repeating his question for me, please, I'd appreciate it. Thank you.

REP. D'AMELIO (71st):

There was no question. I just wanted to stand and make the statement about the registration. Thank you.

Through you.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Thank you, Madam Speaker.

At this time if we -- I would like to withdraw House Amendment "A" that has been called, LCO Number 6457, if we could.

Through you, Madam Speaker, if there's no objection.

DEPUTY SPEAKER SAYERS:

Is there any objection to withdrawal of House  
Amendment "A"? Seeing -- seeing none, the objection -  
- the amendment is withdrawn.

Representative Ritter, you have the floor, sir.

REP. RITTER (1st):

Yes, through you, Madam Speaker, I believe the Clerk is in possession of another amendment which I have as LCO 7037.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Will the Clerk please call LCO Number 7037, and it should be designated House Amendment "B".

THE CLERK:

House Amendment "B", 73 -- excuse me, LCO 7037,  
introduced by Representatives Candelora and Miner.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker, I would like to point to line five of this amendment which basically specifies that this ordinance would be related to the -- regulating the operation and use of dirt bikes on public property.

Through you, Madam Speaker.

hac/gbr  
HOUSE OF REPRESENTATIVES

79  
May 15, 2013

DEPUTY SPEAKER SAYERS:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

And, Madam, I rise in support of this amendment.

I think, as we heard from the previous discussion, there is some concern that maybe the language didn't clearly comport with the intent of the underlying bill. And I think by making sure that municipalities have the ability to regulate their own property in regards to the use of dirt bikes, is certainly an important issue and I want to thank the Representative for making this change.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

Representative Rebimbas of the 70th.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

Madam Speaker, I rise in support of the amendment and I do certainly do want to thank Representative Candelora as well as Miner for bringing this amendment to our attention. But certainly, then also, Representative Ritter, for entertaining all of the

questions that led us to identify potentially one of the issues that was in the prior amendment before us. And I do believe this amendment does clarify, again, that this is for public property and not private property.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

Representative Sampson of the 80th.

REP. SAMPSON (80th):

Thank you, Madam Speaker.

I just wanted to rise in support of the amendment before us as well. I think that the underlying bill and the previous amendment that we discussed is going after a problem that's kind of hard to define. And I think that there are two potential reasons for the underlying bill. One is either the case of folks sometimes in our larger cities that are engaged in riding vehicles that are not meant for the road up and down the street and causing a nuisance. But the other potential issue could be someone that is really not bothering anyone out riding a dirt bike in some wooded area that happens to cross a road or something like that.

The second is something that is near and dear to me, and I'd hate to see those folks being impacted anymore negatively than they are being that the State does not provide any significant land for their use. I can still certainly sympathize with the former argument which is the people that are acting up in the cities.

So I'm going to support this bill because it limits things to only public land, and thank you very much, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Will you remark?

Will you remark further on the amendment that is before us?

If not, let me try your minds, all those in favor, please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER SAYERS:

Those opposed, Nay.

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER SAYERS:

The Ayes have it, the amendment is adopted.

Will you remark further on the bill that is amend  
-- before us as amended?

Representative Dillon of the 92nd.

REP. DILLON (92nd):

Thank you very much, Mrs. Speaker.

Speaking in support of the bill as amended, the genesis of this proposal and the number of companion proposals that were submitted was a serious threat to public safety in a number of places but particularly in New Haven. I, myself, was driving down Whalley Avenue and young people drove around my car in the blind spot, and then dropped right ahead of me and pulled up and hooked a wheelie. And I looked over and there was someone filming him standing on the curb. It's almost a -- a recreation, and it was a terrifying people. There's no legal use for these particular vehicles on our city streets. And the City of New Haven advised the Board of Alderman that the \$250 cap on storage penalties was not enough of an incentive and recommended to us that we mimic a Philadelphia proposal which had a \$2,000 cap. What followed was a series of proposals. This one, which I ask the Chairs of the Judiciary Committee to raise, another which would have set a title -- a title system in place for

dirt bikes which went through Transportation. And then yet, another, which I believe would have given the towns the power to demolish any -- any dirt bike that was used illegally. So that even before we had this really interesting process in Judiciary and here in this Chamber, there were a lot of minds at work trying to think about how we can protect the public safety and how we can write the law to get it right.

I really want to thank the -- the leadership of the Judiciary Committee that would include Senator Coleman, and Representative Fox, and Vice Chair Ritter for their incredible help, but also, in particular, the -- the really thoughtful problem-solving that we also saw from Representative Rebimbas, Representative Candelora, and Representative Miner. Nobody wants to hurt anybody. We want to protect the public. And when an 11-year-old girl is killed in your district because someone jumps a curb using a vehicle which has no legal use on a public thoroughfare, it grabs the attention. Attention has to be paid. This is one of the most important things that we can do, try to protect the public.

So I want to thank everyone for all of their help, and urge the Chamber to support this bipartisan effort.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas of the 70th.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

Through you, Madam Speaker, to Representative Ritter, regarding the bill that's before us.

DEPUTY SPEAKER SAYERS:

Please prepare yourself, Representative Ritter.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

Just for legislative intent, I just want to make sure that we now certainly do discuss section two that's part of the bill. We certainly had an extended discussion regarding section one of the latest amendment that's now part of the bill.

But, through you, Madam Speaker, section two, the language and unfortunately the line numbers have changed as a result of the amendment, but previously it was in line 11 through 12, it states that, again, the city or municipality has the ability to have a penalty for a violation for such ordinance in the

hac/gbr

85

HOUSE OF REPRESENTATIVES

May 15, 2013

amount not to exceed \$2,000. I do not see the same language that was in section one regarding the increments regarding those violations.

For legislative intent, is a violation of section two which identifies other type of vehicles, not dirt bikes but all-terrain vehicles and snowmobiles, is the violation supposed to be as it's indicated in section one for the first offense, second offense, and third offense the same?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker, maybe we're looking at different copies. Looking at the underlying bill that was originally called, I thought that that graduated schedule was in there.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

It's quite possible we're looking at different copies, but nonetheless, again, for legislative

intent, Representative Ritter certainly did answer the question that the graduated violations and fines would also pertain to section two regarding those additional vehicles in that regard.

So, through you, Madam Speaker, to Representative Ritter, again, just for legislative intent, regarding section two, are we, by indicating the vehicles that are in section two, snowmobiles and all-terrain vehicles, are we in any way limiting a municipality or a city's ability to pass an ordinance regulating any other type of vehicle?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

I want to make sure I get -- there was two -- two things. One, is if we look at section two, that -- and there's already the inherent authority pursuant to Title 14 for municipalities to regulate things like all-terrain vehicles and snowmobiles. We're adding a section that deals with dirt bikes. So I wasn't sure if the question was regarding the ATVs and things like that.

If we're talking about other vehicles outside of dirt bikes and all-terrains and those type of things, there are probably some general powers that may exist in Title 7. If you went through Title 14, that may give them the ability. But they might be limited, for example, on what they could fine them and things like that without enabling legislation.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker.

And I'd like to thank the Representative for all of his responses here today.

And I do, would like to, once again, thank Representative Dillon for bringing this to our attention, as well as the Representatives that provided the amendment that I believe does make the underlying bill that much better.

And certainly through the testimony that we heard during the public hearing before Judiciary, we had a lot of testimony in support of even additional penalties and/or regulations in that regard, as well as we also heard from other people who certainly did

hac/gbr  
HOUSE OF REPRESENTATIVES

88  
May 15, 2013

not even want any type of fines. I think the bill that's here before us is a nice happy medium in order to address a serious issue that has been occurring in the cities, a dangerous one regarding recklessness, but also in the suburbs.

So I do rise in support of the bill.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

Representative Sawyer of the 55th.

REP. SAWYER (55th):

Thank you, Madam Speaker.

And one more question for the good Representative, the proponent of the bill.

DEPUTY SPEAKER SAYERS:

Please frame your question.

REP. SAWYER (55th):

Representative Ritter, in this ordinance is there any room, is there any wiggle room for a municipality to enact confiscation of the vehicle?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

I believe that the bill we're dealing with -- the underlying bill as amended really only deals with the ability to regulate the time and the use and things of it and where you could drive it. So as to issues of impounding or taking it away, a whole different issue could -- would not be covered by this particular statute.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Madam Speaker.

And I thank him for that clarification. That was how I read it also, but I wanted to ensure that that was as it was intended as well.

You know, ladies and gentlemen, if you have an unregistered vehicle at the present time, any type of unregistered vehicle which would include dirt bikes and ATVs on the road, the fine -- we had a moment to go back and do that research, and the fine currently is between 150 and 300 dollars presently.

What this bill does it says a municipality may put in a fine up to 1,000, second offense 1500, and

hac/gbr  
HOUSE OF REPRESENTATIVES

90  
May 15, 2013

the third offense up to \$2,000. Well, what I can probably say with some comfort is that oftentimes those that are getting into trouble, those that are riding on the streets, and oftentimes after hours, in the dark, trying not to get caught, and frightening a lot of people because they surprise them, they are not road worthy because they do not have the lighting, they do not have the signaling, they do not have other attributes that we would expect to see --

DEPUTY SPEAKER SAYERS:

Representative Sawyer, could you just hold one moment, please.

I can't -- I cannot hear the Speaker. Can we have some quiet, please. Take your conversations outside.

Thank you.

Representative Sawyer, you may proceed.

REP. SAWYER (55th):

Thank you, Madam Speaker.

So what we're looking at here, ladies and gentlemen, is an increase in the fines, significant increase in the fines going from 150 to 300 dollars all the way up to the possibility of 1,000 to 2,000

dollars in the fines for this particular vehicle alone.

You know, I know that we also have a significant trouble with people who speed, and people who drive unregistered vehicles, people who race at night, starting at certain stoplights, there are known spots across the state that are particularly, I don't know what it is the appeal about them, but they draw a Saturday night and you will see, forgive me for the gender bias, but oftentimes young men behind a wheel and they will go and they will rev their engines at the stop light, and as soon as it turns green, and they take off like a bat out of a son of a gun.

So we do not have a municipal ordinance to have huge increases in fines for those particular instances, of someone driving other types of unregistered vehicles. Only this one type. I do not support the high amount that it -- that this has in it because I think it is excessive. However, I understand the principle behind trying to make it so onerous that it will make young people think twice. The problem comes in is how do we let them know what that fine is? How do we encourage them to pay

hac/gbr  
HOUSE OF REPRESENTATIVES

92  
May 15, 2013

attention to the new law that is going to go into effect?

If I look carefully, and as we -- we -- I'll grab it this way, my apologies, so as we look at when the bill goes into effect, the -- the concept here is going to be, I believe, will cause an imbalance in the State of Connecticut. We may have Hartford have one fine, we may have East Hartford have another fine. We'll have Bolton have no excess fine, it will still be at 150 to 300 dollars. And then you go out into the Northeast or Northwest corners and it will be different. It could be different from the three major communities. If you look at Hartford, New Haven, and Bridgeport, they could all have a very different fining system.

So I guess I'm uncomfortable. If we were going to do this, I would like to see that we do it across the state, and do it in a uniform manner, so that every rider from one community to the other knows what the penalty is.

So at this time I will be opposing it the way I understand the concept, and I can appreciate the concept. And if it were, perhaps, lower and across

the state, I would accept it. And I thank the gentleman for all of his thoughtful answers.

DEPUTY SPEAKER SAYERS:

Representative Rovero of the 51st.

REP. ROVERO (51st):

Good afternoon, Madam Speaker.

I have a question for the proponent of the bill.

DEPUTY SPEAKER SAYERS:

Please --

REP. ROVERO (51st):

And this is something that happens in my neck of the woods that has a lot of open space. Someone 14 or 15 years old buys a bicycle or a motorbike that's been beat up, because he's probably about the fifth or sixth owner, for \$100 or so, and he gets caught riding on the road. Who pays this fine?

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

And, Representative Rovero, thank you for the question. In this instance you said it was -- the bike was sold?

REP. ROVERO (51st):

It sold, no registration because you don't have to -- no bill of sale because you don't register it. It's probably the fifth or sixth time it's been sold amongst these youngsters, and he gets caught riding it on the road.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

And I know that was through you, Madam Speaker.

I think going back to the points that I've heard is that the bike then has to be -- this dirt bike has to be registered, so it would be the person who owns it and registered and had possession of the bike at the time.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Rovero.

REP. ROVERO (51st):

Through you, Madam Speaker, I don't think that's the case. I think you'll find out that a tremendous amount of dirt bikes are not registered. And that's why it's -- when you get a bill -- you don't care about a bill of sale, because you never intend to register it. And believe it or not, in my area, I can

give you several examples where people have purchased these bikes for a hundred, \$150 from neighbors, and the young adults ride them on the road. They ride them in woods. They ride where they shouldn't ride them. But they do ride them. Who is going to pay that \$1,000 fine?

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

All I can say is that the inability to adhere to the simple requirement that state law prescribes to register your dirt bike whether you're 15, or whether you're 30, or whether it's been sold five times, A, is not really covered by this; but, B, is certainly not an excuse. If you were going to violate the law, you're going to have to pay for the unregistration of that and then potentially for this fine. But again, the fine would go to the owner.

Through you, Madam Speaker. And if they didn't have a bill of sale, then I suppose there might be a little contentious issue trying to figure that all out. But I'm sure local authorities can figure that out.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Rovero.

REP. ROVERO (51st):

Thank you, Madam Chairman.

You didn't really answer the question, but that's -- and maybe in the city they don't ride around with dirt bikes. But in my area, there's a tremendous amount of dirt bikes out there and very, very few of them are registered.

Through you, Madam Chairman.

DEPUTY SPEAKER SAYERS:

Representative Sampson of the 80th.

REP. SAMPSON (80th):

Thank you, Madam Speaker.

I also want to thank the last couple of speakers for really drilling down to get to the heart of some of the concerns that exists with the bill that's before us. And I share some of those concerns. For one thing, I believe the -- the fines are a bit on the excessive side especially when it appears that it may not, in fact, be the perpetrator themselves that ends up paying the fine but rather their parent or guardian.

And I'm wondering how we're going to provide notice to folks that live throughout our state that such an excessive fine does, in fact, exist to begin with. And then finally, as Representative Sawyer eloquently stated, there's going to be a situation where it is very likely that there will be different fines in different parts of the state which certainly complicates matters. And letting folks throughout our state know exactly where they stand with regard to the law.

But, Madam Speaker, if I could, I have a couple of questions for the proponent of the bill, through you.

DEPUTY SPEAKER SAYERS:

Please frame your question.

REP. SAMPSON (80th):

I just want to confirm first off that, in fact, that the language in the amended bill is indeed permissive, it allows a municipality to go ahead and set forth a policy as far as these fines and so forth.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Yes, through you, Madam Speaker, it is permissive. And again, it has to be done by ordinance. So it would have to go through whatever the town's procedure was for that.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker.

And I thank the gentleman for his answer.

And I think that's -- that's a positive thing because I always like to defer to local control when possible. Again, we always talk about right-sizing government, and I think this is a situation where I think there ought to be a statewide fine, but I do like the idea of different towns who might have different circumstances, as we described in our earlier conversation about the two distinct problems that this bill tends to attempt to address.

A follow up question, Madam Speaker, through you. First off, I'm wondering if this bill, because it states two-wheeled recreational vehicles not intended for highway use. I'm wondering about certain things that it might apply to. For instance, something

hac/gbr

99

HOUSE OF REPRESENTATIVES

May 15, 2013

commonly referred to as a "pocket bike." I don't know if the proponent knows what that is, but it's a, I don't know, I think people would refer to as a sport bike, but it's a small version that's condensed in size. And I understand that in some of the urban areas of our state, these are as problematic if not more so than dirt bikes being used on the public roads.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

And I will acknowledge some of these bikes are new to me. I just had a bike like everyone else. It got stolen a few times, but I had a bike.

But through you, Madam Speaker, I believe that the bike that the good Representative is referring to is probably motorized which in that case would make it covered under this, too.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker.

So if -- am I to understand that the bill covers any motorized bike? And that would mean a moped, a dirt bike of any size, and like I said, these small pocket bikes?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

It's tough without looking at, you know, a particular bike or to really give a full answer. What I would say is that, you know, if it's two wheels, it's motorized, it's meant to go over unimproved terrain, then I believe it would be covered by the ordinance.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker.

Maybe the crux of it would be whether or not such a vehicle is registered or could be registered?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

hac/gbr  
HOUSE OF REPRESENTATIVES

101  
May 15, 2013

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

I guess I'd say, I'm not sure of the registration aspect. That's not included in the ordinance.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker.

The reason I bring it up is that I think when you start defining two-wheeled vehicle and whether it's intended for highway use, it gets pretty hard to nail down in a hurry because you have a number of two-wheeled motorized vehicles that are not intended for highway use that are commonplace but vary wildly. A moped would be one, these pocket bikes I spoke about. Also dirt bikes of various sizes, and some of them are extremely small that are intended for very, very young, you know, riders. And even a bicycle could potentially have some type of motorized assist on it, something like that. I think there's been various inventions throughout the years that might fall into this category.

But there are also something called dual-purpose motorcycles which are motorcycles that are intended to be registered for the street use, but are, for all intents and purposes, dirt bikes. They have knobby tires, and they have the same type of suspension and so forth, that a dirt bike would have.

So I'm wondering for legislative intent that we might want to really specify that we're talking about a two-wheeled vehicle that is intended to be registered, or not intended to be registered for the road. And just a follow up to that is, I don't understand why we're not included other types of ATVs, and three-wheeled vehicles, and four-wheeled vehicles, and so forth.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker, maybe this will help, there's -- there's some statutory schemes that are relevant to this particular section. So 14-379, 14-390 are other sections that are applicable here. I suppose if the question is -- so that's why we're not regulating ATVs which is a whole different statutory section.

Through you, Madam Speaker.

And if we're talking about a -- something that is -- there was reference to this sort of motorcycle-type thing, there are other statutes which cover things that need to be registered pursuant to DMV. And so if it fell under that definition, then it would not be applicable here. If it didn't fall under that definition, it would be applicable here.

Thank you, Madam Speaker. Through you.

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker.

And I thank the gentleman for that answer, and forgive me that I didn't catch part of it as I was engaged in a bit of conversation in conference over on this side. Did we say that the determination is -- already exists in statute in what is qualified as a dirt bike. Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

I believe the question, through you, Madam Speaker, was there already a definition for dirt bike in state statute. I do not know of any other definition than this one. I know LCO is actually struggling to sort of come up with this.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker.

And again, I apologize. Forgive me. I really didn't hear your previous answer through no fault of your own, again, sometimes things are happening behind the scenes.

But can I ask, you mentioned that there are statutes that more or less define what we're talking about, and maybe you could just clarify that again for me one more time.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Ritter.

REP. RITTER (1st):

Through you, Madam Speaker.

I believe the question that was asked earlier, through you, was why are we not regulating three-wheeled vehicles or something like that in there. And what I would say is that if you look at section two, 14-379 and those sections in there, you'll see more definitions that are regulated. That would cover ATVs and things like that.

There's also a definition in Title 14 of what's a motor vehicle. So there's another -- there's a bunch of substantive definitions when read together I think help articulate what we're looking to do here.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker.

And thank you to Representative Ritter for taking the time to walk me through our understanding of the language before us.

Representative Rovero when he spoke a few moments ago mentioned that many, many dirt bikes are not registered in this state. And I think the reason for that is that there is no place for registered dirt bikers to use their dirt bikes.

Representative D'Amelio referred the one place that is allowed and, in fact, it's not in Connecticut other than geographically because it is the Army Corps of Engineers property that's at Thomaston Dam. And there is a legal place for these folks to ride.

I am sure quite a few folks in this Chamber know that there has been a plan set up to basically create a system of ATV and dirt-bike trails in our state and to use the registration fees that are collected to maintain those trails and set up a system where there would be legal places provided for folks that want to engage in this sport. And to that end, I have an amendment, Madam Speaker, it is LCO 7046. If I could -- if you could call it and I be allowed to summarize.

DEPUTY SPEAKER SAYERS:

Will the Clerk please call LCO Number 7046 and it should be designated House Amendment "C".

THE CLERK:

House Amendment "C", LCO 7046, introduced by Representative Sampson.

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker.

This amendment very briefly sets in motion the process by which we would establish a system to manage all-terrain vehicles as far as the state goes. This program has been in existence for a long time and it has never been implemented. This amendment essentially says that the program would be implemented on or before July 1, 2014. And I would move adoption, Madam Speaker, and I would like a roll call vote if I could.

DEPUTY SPEAKER SAYERS:

The gentleman has asked for a roll call vote.

The question before the Chamber is adoption of House Amendment Schedule "C", will you remark on the amendment?

The question is on a roll call vote. All those in favor of a roll call vote please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER SAYERS:

The 20 percent has been met and we shall, when the vote is taken, it shall be taken by roll call.

Will you remark further?

Representative Ritter.

hac/gbr  
HOUSE OF REPRESENTATIVES

108  
May 15, 2013

REP. RITTER (1st):

Thank you, Madam Speaker.

I would just urge my colleagues in the House that I do not believe this amendment will make this a better bill, so I would urge rejection.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Yaccarino, are you on the board to speak on the amendment or on the bill? The bill.

Okay.

Representative D'Amelio, are you -- please proceed, sir.

REP. D'AMELIO (71st):

Yes, on the amendment, Madam Speaker. Thank you.

Madam Speaker, I rise in strong support of the amendment that's before us. You know, ladies and gentlemen, about ten years ago I wanted to come up with a new hobby to do with my son who at that time was about seven years old. So I bought a couple of ATVs to ride with him, to keep him interested in doing something with dad, something that would be fun. Unfortunately, I found that there was no place to ride these ATVs once I purchased them. I was literally forced to go to the State of Massachusetts where they

hac/gbr  
HOUSE OF REPRESENTATIVES

109  
May 15, 2013

have a registration process that's in place and they have state-run trails for these ATVs.

So whenever I needed -- whenever I wanted to ride with my son, I was literally forced to go to the State of Massachusetts and spend the entire day doing so. And I got to tell you, it was a lot fun riding with my son. We have a lot of memories of doing so.

We need to create these trails because there's thousands of our constituents, Madam Speaker, that -- that have these ATVs, that enjoy the sport. There are many, many thousands also that are -- are Connecticut citizens that have ATVs that are registered in the State of Connecticut, excuse me, in the State of Massachusetts because that's the only closest place for us to ride legally.

So, Madam Speaker, I urge the Chamber to really look at this issue. We need to start this process today. If you really want to keep people off -- off areas that are illegal to ride, let's create a legal system here in the State of Connecticut. I think that's good public policy because, like I said, there's thousands of our residents here in the State of Connecticut that enjoy this sport. It's a harmless sport. it's one that could be enjoyed by all family members.

hac/gbr  
HOUSE OF REPRESENTATIVES

110  
May 15, 2013

So please consider your vote on this to start this process of creating these -- this system for our ATVs to be driven on.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sawyer of the 55th, is this on the amendment? Representative Sawyer, do you wish to speak on the amendment?

REP. SAWYER (55th):

Yes, ma'am.

Thank you, Madam Speaker.

I, too, have had the experience of having many pleasurable times to ride. And I've also followed the issue for now over 20 years in the State of Connecticut. Since 1986, when the law was passed that said that the DEP would come up with regulations and places for people to ride, there have been great hope, and that hope has sat in the belly of those riders, those families that now --

DEPUTY SPEAKER SAYERS:

Will members please take their conversations outside so we can hear the speaker.

REP. SAWYER (55th):

Thank you, Madam Speaker.

For there's been great hope in people who are now in the next generation of riders, and oftentimes, with the same vehicles. They take care of theirs -- their rides, as they call them, their machines. And they don't ride them that often. and so we have machines that are still running in -- in our state. And I can tell you from personal knowledge that are from the seventies that are still running very well.

Well, the issue was with that particular piece of legislation in 1986, Madam Speaker, there was no end date. There was no time certain for the Department to set up trails, places for dirt bikes and all-terrain vehicles to ride.

Well, I can tell you that under the statute, dirt bikes and all-terrain vehicles, so that means two, three, or four wheels, fall under the same category in this particular instance. So I'm encouraged by this particular amendment, Madam Speaker, because it gives a date certain.

So let's make a clarification here. We know, in the State of Connecticut, that there are 11 trails for snowmobiles. Snowmobiles must be registered, they are on state land. And in order to be able to ride on them, you had to have a properly registered machine,

you have to display the numbers on the machine, and you have a legal place to ride.

We have also the problems in our state parks where illegal riding is happening because people are frustrated, exceedingly frustrated because there is no place for them to ride.

You know, if you go back in history, you'll find that the Blue Dot Trails, the Blue Blaze Trails, many of them, were crafted by riders back in the sixties. And over the years they became pedestrian trails, hiking trails, and the machinery has been pushed further and further and further away. We don't really have a tremendously organized riding society in the State of Connecticut, so I think that's one of the reasons that we have not been able to move further ahead in getting legal places for them to ride.

The federal money that we get from trails, a portion of that is supposed to be used on motorized trails. There was an exception put in years ago by Senator John Chafee that says the three smallest states and Connecticut were excluded. And that included, of course, Rhode Island, Delaware, and we're number three.

But we do get a lot of money for trails and it is my hope, Madam Speaker, that there would be support for this because I believe it will take the stress off the state forest, it will take the stress off the streets, it will take the stress off the town parks. If we were able to open legal places to ride, just the way there are with snowmobiles, for ATVs to ride on. I commend Representative Sampson for looking at that in a broader vision, taking the State of Connecticut as a whole, requiring that the agency that has been required to do it since 1986, and as we look at the numbers on that, we're coming up to 30 years, Madam Speaker, in which nothing has been done. And I think that's wrong.

So I'm very pleased to be able to stand to support this particular amendment. And if this were to pass, I would support the underlying bill.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

Representative Noujaim of the 74th, on the amendment sir?

REP. NOUJAIM (74th):

Yes, Madam Speaker; on the amendment.

hac/gbr  
HOUSE OF REPRESENTATIVES

114  
May 15, 2013

DEPUTY SPEAKER SAYERS:

Please proceed.

REP. NOUJAIM (74th):

Good afternoon, Madam Speaker, good to see you. Madam Speaker, I rise in support of this amendment, LCO 7046. You see, Madam Speaker, in the City of Waterbury we are blessed to have some very nice natural places. One of them is up in the East Mountain section of Waterbury, East Mountain Park, and there's a beautiful reservoir around that area. At one time, this used to be Representative D'Amelio's district, but after redistricting, I -- I have the honor of being the Representative from the East Mountain side of Waterbury.

So what happened, Madam Speaker, is they have a community club and they meet every month and it's called the East Mountain Neighborhood Association. And normally a community officer from the Waterbury Police Department is always present. And every meeting, every month, there's always complaint about ATV riders riding around that area in the -- around the -- around the reservoir. And maybe now I am hearing that Representative D'Amelio is confessing to the fact that he's a rider as well. Usually when the

hac/gbr  
HOUSE OF REPRESENTATIVES

115  
May 15, 2013

cops come to chase them, they run away and they can't catch them. So now maybe what we ought to do is go check them at Representative D'Amelio's home because they might be there.

But -- but honestly speaking and, Madam Speaker, there are no place for them to ride, so what they do is they go to areas that are, you know, wooded forest in our areas just very, very close to our neighborhood. And it is noisy and the neighbors are always upset.

So with this amendment, what this amendment would do is it would allow this riders, and they do have the right to enjoy themselves and enjoy having a lifestyle that being athletes, this amendment will allow them to have trails where it is marked by -- by them, and they will be able to enjoy it without seeing complaints and, quite honestly, without breaking the law as well. So for that reason, Madam Speaker, I urge my colleagues to support this amendment.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Orange of the 48th.

REP. ORANGE (48th):

Thank you, Madam Speaker.

hac/gbr  
HOUSE OF REPRESENTATIVES

116  
May 15, 2013

Good afternoon to you.

DEPUTY SPEAKER SAYERS:

Good afternoon.

REP. ORANGE (48th):

Question, through you, please, to the proponent  
of the amendment.

DEPUTY SPEAKER SAYERS:

Please prepare yourself, Representative Sampson.

Please proceed, ma'am.

REP. ORANGE (48th):

Thank you, Madam Speaker.

Through you, Madam Speaker, to Representative  
Sampson, could you explain to me exactly what this  
amendment is going to do. It says here as outlined in  
the Department's publication dated November 22,  
entitled

All-Terrain Vehicle Policy and Procedures.

Could you give me those policies and procedures, sir.

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker.

Well, it's a 30-page document, so I don't know if  
I can go through every detail of it. But essentially,

hac/gbr  
HOUSE OF REPRESENTATIVES

117  
May 15, 2013

what it's going to do is set up a system by which the State of Connecticut which currently collects registration fees for ATVs and dirt bikes would use those funds to help facilitate a program to allow the legal use of these vehicles in our state by setting up a process by where various clubs that are engaged in these activities can submit a plan to layout trails and maintain them and submit that the Department of -- to DEEP so that they can be reviewed and approved, and, therefore, allow legal places for dirt bikers and folks who are involved in the ATV hobby to have a legal places to -- to ride.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Orange.

REP. ORANGE (48th):

Thank you, sir.

Is -- is what you're doing trying to give these people a place to ride. I mean why register your vehicle if you have nowhere to ride?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker.

Yes, that's precisely what I'm trying to do.

The fact is that this plan has been sitting since I believe 1986 it was mentioned. The entire set of policy and procedures by which the State of Connecticut could facilitate legal places for folks who have dirt bikes and ATVs to actually use them legally. And it's never been implemented by this Assembly, and I think it's about time for that to happen.

You know, the underlying bill is here to basically help solve a problem which is people using vehicles not meant for the road on the road. And as we talked about, there's two different cases. You have folks that are using vehicles clearly where they shouldn't be on public roads, and I think the first section of this bill takes care of that. But the other problem is that you have people that ought to have a legal place to ride their dirt bikes and ATVs, and we do not provide in this state, despite the fact that we do charge for registrations. And my amendment seeks to solve that issue.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

hac/gbr  
HOUSE OF REPRESENTATIVES.

119  
May 15, 2013

Representative Orange.

REP. ORANGE (48th):

Thank you, Madam Speaker.

And through you to the proponent of the amendment, do you have know -- do you have any reasons that you can give us why the DEEP has not enacted this all-terrain vehicle outline from 22?

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker.

I believe it is purely because the Connecticut General Assembly needs to pass a bill to implement the program. There is a spot right on the DEEP website that describes the policy and procedures that is public knowledge and it says: "Please note that this policy will only become effective when supporting legislation is passed by the Connecticut General Assembly."

And that is why I'm here with this amendment today, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Orange.

REP. ORANGE (48th):

Thank you, Representative Sampson.

Through you, Madam Speaker, does the State DEEP currently have a place in mind where they can implement this if we shall pass it?

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Through you, Madam Speaker.

I'm not quite sure what the internal workings of DEEP is as far as set-asides for land and property. I do know that there are suitable lands in Connecticut. What the policy and procedures that they've laid out requires is that various clubs that are engaged in dirt biking and the ATV hobby would have to put forth a plan to DEEP to explain where they would want to implement it, and how they would maintain the trails and so forth.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Orange.

REP. ORANGE (48th):

Thank you, Madam Speaker.

And, through you, have the clubs contacted DEEP with this type of proposal?

hac/gbr  
HOUSE OF REPRESENTATIVES

121  
May 15, 2013

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Through you, Madam Speaker.

I believe that there have been many, many efforts since 1986 when this policy and procedure was first drafted and left in the Department of Energy and Environmental Protection to be implemented at some point in the future. I don't have any direct contact with these clubs at this point in my life, but when I was much younger, I used to be active and I know that there was always a desire and need to go forth to find legal places to ride in Connecticut and folks that were willing to make virtually any sacrifice to make that happen.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Orange.

REP. ORANGE (48th):

Thank you.

And, through you, Madam Speaker, to the good Representative Sampson, the private clubs now if they have enough acreage, do they currently have spaces to ride?

hac/gbr  
HOUSE OF REPRESENTATIVES

122  
May 15, 2013

DEPUTY SPEAKER SAYERS:

Representative Sampson.

REP. SAMPSON (80th):

Through you, Madam Speaker.

I'm not sure whether there are any clubs that -- well, there certainly are organized events that happen on private property in Connecticut that are organized by organizations such as, well, I don't know, back in the day it was New England Trail Riders Association. They had organized dirt bike racing on various private lands.

I don't know exactly what method that was used, but I understand it could not be used on a regular basis without some sort of approval from the State of Connecticut and the implementation of this policy.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Orange.

REP. ORANGE (48th):

Thank you, Madam Speaker.

And thank you, Representative Sampson.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

hac/gbr  
HOUSE OF REPRESENTATIVES

123  
May 15, 2013

Representative Miller of the 122nd, do you wish to speak on the amendment, sir?

Please proceed.

REP. MILLER (122nd):

Thank you, Madam Speaker.

On the amendment, I strong advise the House to vote in favor of this because of the fact that, first of all, these all-terrain vehicles aren't going to go away. And manufacturers are coming out with all kinds of new ones. They come out with these ones that a six-year-old kid can ride. And we have to have a place for them to ride otherwise, they're going to be riding on town property, they're going to damage lawns.

For instance, we have a golf course in my area, and they go on there and they make holes in the greens. And that's a costly thing for the golf club to fix and absorb as far as costs go. And now we've had some that go through town parks and, again, through plantings and all kinds of other things that cost the town a ton of money to repair.

So when you give these people an outlet to use these vehicles, you're going to save money from vandalism that is caused by these things when they're

hac/gbr  
HOUSE OF REPRESENTATIVES

124  
May 15, 2013

on property that they shouldn't be on. So now you've given them a spot to ride these things, they're going to be registered. I think it's the right way to go. And hopefully, it will save a lot of money from the private sector and town people when you have these trails open for them.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Will you remark? Will you remark further on the amendment that is before us? Does anybody wish to speak on the amendment before us?

If not, will staff and guests please come to the well of the House. Will member take their seat and the machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please come to the Chamber immediately.

DEPUTY SPEAKER SAYERS:

Have all the members voted? Have all the members voted?

If all the members have voted, the machine will be locked and the Clerk will take a tally.

The amendment fails.

Sorry. My error. The Clerk will please announce the tally.

THE CLERK:

LCO 7046, House "C".

Total number voting 139

Necessary for passage 70

Those voting Yea 62

Those voting Nay 77

Absent and not voting 11

DEPUTY SPEAKER SAYERS:

The amendment fails.

Will you remark further on the bill as amended before us?

Representative Cafero of the 142nd.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Madam Speaker, at this point, I would like to make a motion that this bill be transferred to the Committee on Planning and Development.

DEPUTY SPEAKER SAYERS:

It is the -- it is the opinion of the Chair that this bill is properly before us and that that is a discretionary note.

The question -- please stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER SAYERS:

The Chamber will come back to order.

The motion before the Chamber is on referral to Planning and Development. It is a discretionary referral, and the opinion of the Chair -- will you remark further, sir?

REP. CAFERO (142nd):

Yes. Madam Speaker, I believe we have gone several hours talking about varying issues and debating amendments all of which pertain, I believe, to the cognizance of the Committee on Planning and Development, which I note that this bill has not been to. And I think it would be good for this bill, for the purpose behind it, for the good of the Chamber, for the good of time management, if we, at this point, refer this bill to the Committee on Planning and Development. And that is my motion.

DEPUTY SPEAKER SAYERS:

Please stand at ease.

(Chamber at ease.)

hac/gbr  
HOUSE OF REPRESENTATIVES

127  
May 15, 2013

REP. CAFERO (142nd):

Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

The House is at ease. If you could just wait one moment, please.

REP. CAFERO (142nd):

Sure.

DEPUTY SPEAKER SAYERS:

Thank you.

The House will come back to order.

Representative Cafero, you have the floor, please.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Madam Speaker, at this point, I will withdraw my motion.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

The motion has been withdrawn.

hac/gbr  
HOUSE OF REPRESENTATIVES

128  
May 15, 2013

REP. CAFERO (142nd):

Thank you.

DEPUTY SPEAKER SAYERS:

Will you remark further on this bill that is before us? Will you remark further?

If not, will staff and guests please come to the well of the House. Will member take their seat, and the machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the Chamber immediately.

DEPUTY SPEAKER SAYERS:

Have all the members voted? Have all the members voted?

Please check the board to see that your vote has been properly cast. If all the members have voted, then the machine will be locked -- the machine will be locked and the Clerk will take the tally.

The Clerk will announce the tally.

THE CLERK:

Bill 6638 as amended by House "B":

Total number voting

140

hac/gbr  
HOUSE OF REPRESENTATIVES

129  
May 15, 2013

Necessary for passage	71
Those voting Yea	116
Those voting Nay	24
Absent and not voting	10

DEPUTY SPEAKER SAYERS:

The bill passes as amended.

Will the Clerk please call House Calendar 114.

THE CLERK:

Yes, Madam Speaker, Calendar 114 on page 3, favorable report of the Joint Committee on Labor and Public Employees. Substitute House Bill 6433, AN ACT CONCERNING TECHNICAL AND OTHER CHANGES TO THE LABOR DEPARTMENT STATUTES.

DEPUTY SPEAKER SAYERS:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Madam Speaker.

I appreciate this opportunity. I move for acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER SAYERS:

The question before the Chamber is acceptance of the Joint Committee's favorable report and passage of the bill.

**S - 665**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2013**

**VOL. 56  
PART 14  
4130 - 4472**

page 23, Calendar 615, House Bill 6638, a bill from the Judiciary Committee.

THE CHAIR:

Mr. Clerk.

SENATOR LOONEY:

If the Clerk would call that item.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

THE CLERK:

On Calendar page 23, Calendar Number 615, substitute for House Bill Number 6638, AN ACT CONCERNING THE MAXIMUM PENALTY FOR VIOLATION OF A MUNICIPAL ORDINANCE REGULATING THE OPERATION OR USE OF A DIRT BIKE, ALL-TERRAIN VEHICLE OR SNOWMOBILE, as amended by House Amendment "B", Favorable Report from the Judiciary Committee.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank you, Mr. President.

I do move acceptance of the Joint Committee's Favorable Report and passage of this bill.

THE CHAIR:

On acceptance and passage in concurrence, will you remark, sir?

SENATOR MEYER:

I will. And this bill is accordance with the House, might add, Mr. President.

Right now, by ordinances, our 169 towns are allowed to regulate things like all-terrain vehicles, snowmobiles, and, and dirt bikes, and they have done that. Right now, the top penalty permitted by Connecticut General Statutes to enforce those regulations of those kind of vehicles is only \$250. As a result of a growing number of complaints by residents particularly in our cities, they, there was an effort been made to make a more strict administration and, and oversight over these vehicles.

And so what this bill does is it raises the penalties, and you'll see that for, for dirt bikes, all-terrain vehicles, and snowmobiles that we are authorizing in this bill \$1,000 for the first violation, 1500 for a second violation, and \$2,000 for a third, any third or subsequent violation. These violations and these penalties would apply only where the, these vehicles are used on public property, not private property, which makes some sense. So that's the bill. It's responsive to constituent concerns, and I urge its support.

THE CHAIR:

Thank you, Senator. Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

It's a good bill, ought to pass. Originally, it came before the Judiciary Committee. It had higher penalties. What we did is we reduced them, graduated them, first, second, and third offense. Municipalities, it's an option. They don't have to adopt this, and they don't have to have fines as high as the numbers that are in the bill, but those, these, those are the high water marks.

It does address concerns that were raised by some Legislators in the New Haven area regarding some accidents that took place down there. But it was expanded a little bit to include other vehicles. We really tried to come up with something very positive, and I appreciate the fact that Senator Meyer stepped

in the shoes this evening for our good friend and colleague, Senator Coleman, whom we are all saying a little prayer for and hoping he gets better very quickly from his surgery that he had in the last day or two.

So with that, I am guessing that there might be some folks that have some questions, but I think it's a good bill that came out of the Judiciary Committee, well-balanced. It's not a mandate. It's just an option. And it does address some of the concerns that have been raised by the proliferation of some of these vehicles where they just don't belong.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Will you remark further on the bill?

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President.

I rise in support of this bill.

You know, in the City of Danbury, we've had this very unusual challenge. In the center of city, a mile from city hall is a 780-acre city park. Immediately adjacent to that is a, a 800-acre state park. Also in the neighborhood and, and neighboring both of those parks is a almost 500-acre private community. And also in that same vicinity is about 330-acre farm privately held.

And what we've discovered is that there are some irresponsible, frankly, nearly criminal, I think, ATV riders. And I must say there's a very small number of them that are creating this problem, but it is a problem, using that property that I just described to you without permission.

Now at Tarrywile Park in Danbury, there are beautiful trails. It's home to the Charles Ives trail system,

named after the state composer, Charles Ives, born and raised in Danbury. And that park also welcomes horses. Now if you're on horseback and coming up a horse trail over the top of the hill and coming in the other direction, the issue is what happens when you come across an ATV at a high rate of speed? It's a problem. And that's being operated without permission.

So, Mr. President, we need to find a way to communicate better with the ATV operators, and perhaps this is one way to bring to their attention that they almost can police themselves in a way by being sure that the irresponsible operators don't give a bad name to the responsible ATV operators of which there are hundreds and hundreds here in the State of Connecticut. Now there are even members of this General Assembly who are proud owners and operators of ATVs, but this problem must be addressed, and I think that this is one way to go about it.

Thank you, Madam President.

(The President in the Chair.)

THE CHAIR:

Thank you, Senator. Will you remark further? Will you remark further?

Senator Meyer.

SENATOR MEYER:

Thank you, Madam President.

Nice to see you back.

THE CHAIR:

It's great to be back.

SENATOR MEYER:

You know, there are three members of, of this circle that have really participated in supporting this bill, Senator Kissel, who actually moved it in the Judiciary

Committee, Senator McLachlan, who made a very supportive statement in the public hearing, and Senator Looney, who described the, the problem in the City of New Haven. And I would like to yield to Senator Looney, who will elaborate a little bit more on that.

THE CHAIR:

Senator Looney, will you accept the yield, sir?

SENATOR LOONEY:

Thank you. Thank you, Senator Meyer.

Yes, I do accept the yield. I want to thank Senator Meyer for his leadership on this issue, Senator Coleman and Senator Kissel and other members of the Judiciary Committee on this as, as well, and Senator McLachlan for, for his involvement. As, as Senator McLachlan very truthfully said, this is a, there is a real problem with these kinds of vehicles, especially in urban areas.

And there is a safety issue. You have teenagers and sometimes slightly older than teenagers recklessly riding around city streets on these, on these vehicles terrorizing people in the community and also causing a severe problem for the police, because in many cases, police pursuit procedures do not allow an active pursuit, because there would be more danger created in the course of the, of a pursuit of that kind than the situation would really justify.

But at the same time, it is a real nuisance and a safety hazard and disturbs the peace of mind of residents hearing these noisy vehicles and being, being, in effect, terrorized by them weaving in and out of traffic, streets, sidewalks, causing danger for pedestrians and cars alike. And we've heard from police departments that there have been just problems with, with enforcement, that when the, when the dirt bikes are, are taken away from often the underage drivers, they are very quickly retrieved and back on the street again and treated by the young people almost as if the whole thing was kind of a joke.

Well, the purpose of this bill is to try to make sure it is not going to be regarded as a, a joke and that there is going to be serious enforcement at the local level available to the police. I also want to thank Representative Dillon, who also was a, a sponsor of this bill in the House and the other members of the House delegation from, from New Haven who worked on this together with our, our, our police department and the, and the mayor's office.

So it really does address a substantial problem worse in some cities than in others, but, but New Haven is one that has been plagued by it for a number of years, and the police have found their efforts at enforcement frustrated and asked us to enact the provisions of this bill. Thank you, Madam President, and thank you so much to, to all who worked on this and, and recognized the problem that it, that it has become in our area.

THE CHAIR:

Thank you. Will you remark further? Will you remark further?

Senator Linares.

SENATOR LINARES:

Thank you, Madam President.

I just have two questions to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR LINARES:

Senator, what are the, what is, what will be, excuse me, the current or, fine structure should this bill pass?

THE CHAIR:

Senator Meyer.

SENATOR LINARES:

Through you.

SENATOR MEYER:

Through you, Madam President, to Senator Linares.

Yes, there will be a, a very specific fine structure that will be \$1,000 for the first violation. Senator Kissel said actually the, the bill came to Judiciary initially at, at a higher level than that, and we reduced it a bit, but we want it to be substantial. So the first is \$1,000. The, for a second violation, we're proposing \$1,500. And for subsequent violations, we're proposing \$2,000 for each violation.

THE CHAIR:

Senator Linares.

SENATOR LINARES:

Thank you, Senator.

And where does that revenue go to specifically?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

It's my understanding the revenue, through you, Madam President, would go into the General Fund.

THE CHAIR:

Senator Linares.

SENATOR LINARES:

Thank you, Madam President.

Thank you, Senator, for answering my questions.

THE CHAIR:

Thank you. Will you remark?

Senator Frantz.

SENATOR FRANTZ:

Yes, yes, thank you, Madam President.

And very briefly to Senator Meyer, thank you for introducing this bill. It is long overdue, and I completely understand your arguments in favor, Senator Looney. I, I think this does go in the right direction towards eliminating a lot of the problems that you were talking about, and I think it, it is important in the context of this bill and this debate tonight to take into account those who are ATV operators.

And it's been talked about before that DEEP has made promises in the past that they will create areas for them to ride. It hasn't happened, and we should do everything we possibly can to provide for them. They're not cheap machines. They do need to be maintained and so on and so forth. And you hate to see anybody having bought something that they're not going to be able to use in the future, not that they didn't know or should not have known that there are no sanctioned parks in the public domain anyway for these types of vehicles.

Through you, Madam President, to Senator Meyer, have you talked, have you talked to DEEP about setting up something, you know, geographically distributed throughout the state so that people don't have to drive an hour and 40 minutes to get to the one ATV park, maybe just a little section of a, a park here that's not well utilized by the public for other purposes?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President.

It has been the subject of discussion for the eight years that I've been here, Senator Frantz. And it, that possibility of finding that kind of land for people to use that wouldn't inconvenience the rest of us was something that the prior House Chair of the Environment Committee did not support. We have a new House Chair of the Environment Committee. She seems to be supportive of it, and I imagine it'll be a, a priority next year.

SENATOR FRANTZ:

Thank you.

Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

I believe that's a, that's a great approach. The, the deal with these ATVs is you don't necessarily have to have a whole lot of terrain. The, as I understand it, I'm not an ATV rider, I'm a two-wheel rider but not a four-wheel rider, you, you need a place to just go kind of exercise the machine and let it, let it loose and have a good time, whether it's a small track somewhere. Noise obviously is a consideration, but they are much better muffled these days than ever before, so some strategic thinking about that in a, a, again, a geographically distributed system of these different, you know, little tracks so that people don't have to go too far.

They can get home from work at, you know, 6:00 at night in the fall and still have another hour to go ride if they only drive ten minutes in their, with their trailer or their pickup truck. To go, to go to a place where they're actually allowed to, to do this

I think would be a great, a great idea going forward. So I'm encouraged by what you're, you're, you're saying about new leadership and their openmindedness towards finding a place for these people to ride.

Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President, for the second time.

I think that in response to some of the questions I just heard, I want to get the record straight as someone who helped draft this bill. In response to Senator Linares, I believe that Senator Meyer said that the fines would be 1,000, 1500, and 2,000. But the bill says that the fines will be established by each municipality should they adopt these ordinances and that these levels it's not to exceed.

So through you, Madam President, just to make sure that the record is accurate, would it be fair to characterize in response to Senator Linares that the amounts established by a municipality could be anywhere from \$1 for the first offense all the way up to \$1,000? Likewise, they can establish whatever they want. The only thing that statute says is it cannot exceed \$1500 for a second offense and that the statute by its own language says not to exceed 2,000 for a third offense.

Through you, Madam President.

THE CHAIR:

Senator --

SENATOR MEYER:

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Senator Kissel, Madam President, is absolutely correct. This is a, this, this bill will empower, not mandate, our, our municipalities and will give them an empowerment to assess fines from, as he points out, from \$1 up to \$1,000 for the first violation. And I apologize for not making that clear.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

And the second point to clarify again in response to one of the questions I believe I had opposed by Senator Frantz or Senator Linares was that where would the fines go? And I believe Senator Meyer said the General Fund, but because these would be municipal ordinances, and as reflected in the fiscal note, it would result in potential fiscal gains to the municipality of the past such ordinances. And I believe the fiscal note reflects that, and I just want to make sure that that's clear, that we're not talking about any funds through fines that will go to the General Fund.

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam, Madam President.

Again, I, I do think I misspoke there, because it being a municipal ordinance, the fine would, would go to the municipality and not to the State of Connecticut.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

And, and I just wanted to make sure that for the purposes of legislative history going forward that everything was accurate. I think Senator Meyer has done a fabulous job bringing out the bill. He is pinch hitting for Senator Coleman, and he wasn't in the room when we drafted the language, but he's certainly done a good job about presenting the need for this legislation, especially for communities such as the one that Senator Looney represents in New Haven.

And I also want to be associated with the fact that Representative Dillon did a commendable job of championing this legislation on the Judiciary Committee throughout this session. So I just wanted that on the record.

Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further?

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President. Madam President, some questions to the proponent through you, please.

THE CHAIR:

Please proceed, sir.

SENATOR CHAPIN:

Thank you, Madam President.

It, it appears to me that the, the main difference between Section 1 and Section 2 is we're differentiating dirt bikes in Section 1 do not fall under Section 2 under the definition of ATV. Is that correct?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes. Through you, Madam President, that's exactly correct.

Section 1 deals just with dirt bikes, and Section 2 deals with all-terrain vehicles and snowmobiles.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

And, again, through you and, and in line four of the file before us, I'm sorry, line three, it allows this ordinance to regulate the operation and use on public property, whereas I don't see similar language for ATVs and snowmobiles. So would I be correct in assuming that an ordinance could therefore regulate the things under Section 2 for snowmobiles and the ATVs on private property?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President.

I see no restrictions, as, as you're pointing out for snowmobiles and ATVs, and so the, the, our towns would presumably be able to regulate with respect to private and public property. We, we, when we got this bill, we wanted to make sure that it was just public property, and that was actually an amendment that I think, that was made in the House before it got here.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

I thank the gentleman for his answers.

THE CHAIR:

Thank you. Will you remark? Will you remark?

Senator Meyer.

SENATOR MEYER:

Just, just, just quickly in conclusion. I, I'm, I'm really pleased with the positive reaction to this bill from the circle. Following up a little bit on what Senator Frantz said, we have a problem here, which is why we're having this bill, and that is, we don't have, we don't have land that's been made available by Connecticut and DEEP for people who ride these kind of vehicles. It's in part a, a, a cost issue.

And the ultimate bill that we need will be a bill that combines registration, registration fees, and the acquisition or preservation of these trails. So it's a package. It's really, I think, a priority, becoming a priority of the Environment Committee, and we will address it next year. And finally, Madam President, if there's no further comment, I would ask this go on the Consent Calendar.

THE CHAIR:

Is there any objections? Seeing no objections, so  
ordered, sir.

Mr. Clerk.

Oop, sorry, Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if we might now return to the items from the Committee on Public Safety and Security that were marked earlier, first is Calendar page 18, Calendar 573, House Bill 6524, to be followed by Calendar page 20, Calendar 593, House Bill 6523; and then Calendar page 20, Calendar 594, House Bill 6596. After that, Madam President, if we might mark as, as a go an item from the Aging Committee Calendar page 6, Calendar 348, House Bill 5767.

Thank you, Madam President.

THE CHAIR:

Thank you.

Mr. Clerk.

THE CLERK:

On page 18, Calendar Number 573, substitute for House Bill Number 6524, AN ACT CONCERNING THE MEMBERSHIP OF THE CODES AND STANDARDS COMMITTEE, Favorable Report of the Committee on Public Safety.

THE CHAIR:

Good evening, Senator Hartley.

SENATOR HARTLEY:

Good evening, Madam President.

I move acceptance of the Joint Committee's Favorable Report, Madam, and passage of the bill in concurrence with the House.

Madam President, if the other items marked go would now be marked passed retaining their place on the Calendar, and if the Clerk would read the items on the second Consent Calendar so that we might proceed to a vote on that second Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On the second Consent Calendar for the day, page 6, Calendar 348, House Bill 5767; Calendar 352, House Bill Number 6452; also on page 6, Calendar 354, House Bill 6388; on page 7, Calendar 368, Senate Bill 900; page 18, Calendar 573, House Bill 6524; page 20, Calendar 591, House Bill 5727; Calendar 592, House Bill 5979; Calendar 593, House Bill 6523; Calendar 594, House Bill 6596; page 21, Calendar 605, House Bill 6567; page 23, Calendar 615, House Bill 6638; on page 24, Calendar 618, House Bill 6433; and Calendar 619, House Bill 6482; on page 33, Calendar 125, Senate Bill 906; and page 39, Calendar 422, House Bill 5718.

THE CHAIR:

Mr. Clerk, will you call for a roll call vote. Oops, hold on a moment.

Senator Looney.

SENATOR LOONEY:

Yes, Madam President.

Just I wanted to indicate did we get the item on Calendar page 33 --

THE CHAIR:

Yes, sir.

SENATOR LOONEY:

-- Calendar 125, Senate Bill 906?

THE CHAIR:

Yes, sir.

SENATOR LOONEY:

Good. Thank you very much, Madam President.

THE CHAIR:

Yeah.

SENATOR LOONEY:

I appreciate it and move that we vote the Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Senators please return to the Chamber. Immediate roll call on Consent Calendar 2 has been ordered in the Senate.

THE CHAIR:

The machine is open.

THE CHAIR:

Senator Boucher.

No problem.

Senator Maynard.

Thank you.

If all members have voted, all members have voted, the machine will be closed.

Mr. Clerk, will you call the tally.

THE CLERK:

On the second Consent Calendar for today,

Total Number Voting	34
Necessary for Adoption	18
Those voting Yea	34
Those voting Nay	0
Those absent and not voting	2

THE CHAIR:

Thank you. The Consent Calendar, second Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President, first of all for a, a journal notation.

THE CHAIR:

Please proceed, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, Senator Coleman was absent today due to illness. We hope that he will be back with us next week, missed votes today. And also for a point of personal privilege, Madam President.

THE CHAIR:

Please proceed.

SENATOR LOONEY:

Thank you.

Madam President, two of our wonderful caucus colleagues on the, the Democratic staff in great

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 10  
3141 - 3485**

**2013**



JOSEPH L. GAUDET, JR.  
Acting Chief of Police

*City of Bridgeport*  
DEPARTMENT OF POLICE  
**OFFICE OF THE CHIEF**

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TESTIMONY OF THE CITY OF BRIDGEPORT  
TO THE  
JUDICIARY COMMITTEE  
Monday, April 1, 2013

(HB 6638)

RE: H.B. 6388 AN ACT CONCERNING THE MAXIMUM PENALTY FOR VIOLATION OF A MUNICIPAL ORDINANCE REGULATING THE OPERATION OR USE OF A DIRT BIKE, ALL-TERRAIN VEHICLE OR SNOWMOBILE.

Senator Coleman, Representative Fox and members of the Judiciary Committee: Thank you for the opportunity to testify in support of House Bill 6388.

Bridgeport faces the same challenges as other urban centers when it comes to dirt bikes and all-terrain vehicles operating illegally and recklessly on our streets, parks and neighborhoods. These operators simply have zero regard for public safety. They put their own lives in jeopardy. The risk the lives of motorists and innocent pedestrians as they weave in and out of traffic at high rates of speed. They rip up our recreational ball fields that are there for the enjoyment of our citizens, young and old. Sometimes traveling in packs of a dozen or more, their loud engines destroy the quality of life for all residents.

The police department shares the frustration of our citizens, who should be free to sit on their front porches in peace or walk down the sidewalk without having to jump to safety. This is not just a bane in Bridgeport but in every city in Connecticut.

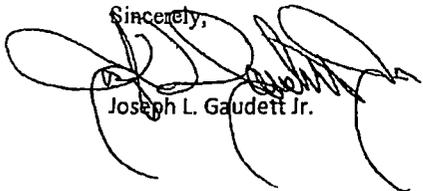
I would support any initiative that would assist us in curbing this dangerous behavior, and stiffer penalties I hope would deter at least some of this activity. Law enforcement is in a Catch 22 situation. In Bridgeport, we have a no-chase policy when it comes to dirt bikes and quads. The operators know that and will even slow down in an effort to bait our officers into a pursuit.

We try to be creative in our enforcement. Our officers look for them when they gas up or are parked outside a corner store. We work with the community to determine where they are garaged and intervene there. Yet the behavior continues.

Anything our state legislature can do to add additional consequences for these menaces would be a valuable addition tool for us.

Thank you for your time and consideration.

Sincerely,

  
Joseph L. Gaudett Jr.

SENATOR MARTIN M. LOONEY  
MAJORITY LEADER

Eleventh District  
*New Haven, Hamden & North Haven*



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April 1, 2013

Good afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. I am here to testify in support of HB 6638, AN ACT CONCERNING THE MAXIMUM PENALTY FOR VIOLATION OF A MUNICIPAL ORDINANCE REGULATING THE OPERATION OR USE OF A DIRT BIKE, ALL-TERRAIN VEHICLE OR SNOWMOBILE

Dirt bikes have become more than a nuisance in the City of New Haven. They create unsafe conditions for pedestrians and motorists and decrease the quality of life for residents. They are also unsafe for riders.

Dirt Bikes do not have the array of the safety features that road safe vehicles possess. They often lack blinkers, mirrors, and lights. This absence of protective features is hazardous for road-safe automobiles and motorcycles as well as for pedestrians. The other vehicles and the pedestrians have no way to know where the dirt bikes are

headed or what they are going to do next. In addition, dirt bike tires are designed for traction on dirt trails and are frequently unsafe on asphalt. The loud whir of dirt bikes racing on the street and sidewalk late into the evening constitutes a nuisance in urban areas

HB 6638 would allow a municipality to set a maximum penalty of two thousand dollars for retrieval of a dirt bike confiscated due to a violation of a municipal regulation or ordinance; I would also support the creation of a title system for dirt bike ownership so that such ownership can be tracked as well as a provision permitting the destruction of a dirt bike that was confiscated for a second such a violation. These provisions may not solve the entire problem of dirt bikes in the City but would constitute a good first step. Thank you for raising this important legislation



## State of Connecticut

### SENATE

**SENATOR MICHAEL A. McLACHLAN**  
 TWENTY-FOURTH SENATE DISTRICT

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 GENERAL BONDING SUB COMMITTEE

**MEMBER**  
 FINANCE, REVENUE, & BONDING COMMITTEE  
 JUDICIARY COMMITTEE  
 TRANSPORTATION COMMITTEE

April 1, 2013

Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee,

I am State Senator Michael McLachlan, and I am here today to speak in support of House Bill 6638, *An Act Concerning the Maximum Penalty for Violation of a Municipal Ordinance Regulating the Operation or Use of a Dirt Bike, All-Terrain Vehicle or Snowmobile*

I am not opposed to all-terrain vehicles, however due to the behaviors of some irresponsible all-terrain vehicle operators, a stigma has been attached to the activity which is unfair.

This legislation aims to penalize the irresponsible operators for their actions, and hopefully chip away at the negative stigma.

In Danbury, several farms and homes are facing several problems caused from irresponsible driving. These operators are accessing private land to ride on without the permission of the land owner. This is against the law already, yet it is not as readily enforced as it should be. This is unfair to property owners and presents a problem of liability should an accident occur.

Aside from the issue of private property being misused, there are environmental concerns. When all-terrain vehicles drive they create pathways. These pathways essentially tear-up the open land. They loosen the top soil causing erosion and water courses to form. Constituents have told me that they have even witnessed operators cutting down timber on the property to create the cleared paths they want. This is absolutely unacceptable.

As stated earlier, I have several property owners in Danbury who are currently dealing with this problem. I urge the committee to support this legislation in order to prevent further damage from being done.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 11  
3486 - 3845**

**2013**

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**McCall, Brandon**

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**From:** Alfred Jessel <ajjessel@gmail.com>  
**Sent:** Thursday, April 04, 2013 11:44 AM  
**To:** Jud Testimony  
**Subject:** House Bill 6638 Public Hearing

**Categories:** Red Category

To the many problems caused by illegal operation of these vehicles on city streets, noise pollution should be added. The annoying screams of dirt bikes, in particular, can be heard throughout summer nights in New Haven many blocks away disturbing sleep and the peace in general. Please Pass HB 6638.

Al Jessel  
301 Ogden St.  
New Haven