Location:
TRAFFIC ACCIDENTS; TRAFFIC VIOLATIONS;
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OLR RESEARCH REPORT

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MOTOR VEHICLE VIOLATIONS ON PRIVATE PROPERTY

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You asked about a motor vehicle accident that occurred in a convenience store parking lot. The responsible driver did not have insurance and was operating under suspension. The police said they could not bring charges against the driver because the accident occurred on private property. You asked what law governs in that situation. The Office of Legislative Research is not authorized to issue legal opinions, so the following information should not be considered one.

SUMMARY

A number of motor vehicle laws limit police enforcement authority to highways and public roads, but there is no such statutory restriction preventing police from charging a driver on private property with operating under suspension or operating without insurance.

ENFORCING MOTOR VEHICLE LAWS ON PRIVATE PROPERTY

A number of state motor vehicle laws specify the roadways on which they apply. For example, CGS § 14-222 prohibits reckless driving on public highways; roads of specially chartered municipal associations and certain fire, sewer, and other districts; parking areas for 10 or more cars; private roads with speed limits; and school property. CGS § 14-219 bans speeding on highways; roads; parking areas for 10 or more cars; and multiple lane, limited access highways. By law, a “highway” is any state or public highway, road, street, avenue, alley, driveway, parkway or place, under the control of the state or a political subdivision, dedicated, appropriated, or opened to public travel or other use (CGS § 14-1 (40)).

Dozens of similar motor vehicle laws limit police enforcement authority to the specified roadways. But other motor vehicle laws, including the two to which you refer, impose no such restrictions, allowing police to enforce them on either public or private property.

CGS § 14-213b prohibits motor vehicle owners from operating or permitting the operation of a motor vehicle that is registered in Connecticut, or required to be registered, without the legally required insurance. The statute does not limit its applicability to particular roadways. Similarly, CGS § 14-215 prohibits anyone whose driver's license has been refused, suspended, or revoked from operating a motor vehicle during the period of the refusal, suspension, or revocation without limiting the types of roadways where the statute applies. Police therefore can charge people with these violations whether they are driving on public or private property.

State v. Hackett

A 2002 state Appellate Court case (*State v. Hackett, 72 Conn. App. 127*) specifically held that police can enforce violations of CGS § 14-215 that occur on private property. The defendant argued unsuccessfully that he did not violate CGS § 14-215 because (1) he was driving in a private parking lot and (2) the law does not require a license to drive on private property where there is no posted speed limit.

The court rejected his arguments, holding that “one whose operator's license is under suspension violates § 14-215 whenever he operates a motor vehicle, regardless of whether it is operated on public or private property.” The court noted nearly four dozen laws that limit police jurisdiction to particular roadways, and pointed out the lack of such a restriction in CGS § 14-215. “Because § 14-215 contains no such limitation,” the court stated, “we conclude that it was meant to apply absolutely to operation of a motor vehicle.”

In issuing its ruling the court specifically overruled an earlier case, (*State v. Haight*, 194 A.2nd 718 (1963)) in which the court had reversed a conviction for operating under suspension because the driver committed the violations on private property.

In *Haight* the defendant was charged both with driving under the influence (DUI) and operating under suspension. He argued that neither statute applied because he was driving in a private parking lot. Although both statutes bar the operation of a motor vehicle regardless of whether it is driven on public or private property, the *Haight* court affirmed the DUI charge “as consistent with precedent,” but reversed the conviction for operating under suspension. The *Hackett* court declined to follow this ruling, finding that the “plain language [of CGS § 14-215] is more convincing than the *Haight* analysis.”

OLR Report 2011-R-0144 addresses a related question on whether a public school parking lot is private property and therefore not subject to state traffic laws.

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