

Regulation of the
Department of Motor Vehicles

Concerning
**Complaints Against and Stipulation by Motor
Vehicle Dealers and Repairers**

Regulations adopted after July 1, 2013, become effective upon posting to the website of the Secretary of the State, or at a later date specified within the regulation.

Website posted on
July 2, 2014

Effective Date
July 2, 2014

Approved by the Attorney General on
April 29, 2014

Approved by the Legislative Regulation Review
Committee on
June 24, 2014

Received and filed in the Office of the
Secretary of the State on
June 25, 2014

Electronic copy with agency head certification statement
submitted to the Office of the
Secretary of the State on
June 25, 2014

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Purpose and Legal Disclaimer: This form was designed to facilitate submission of the “statement from the department head” required by CGS 4-172(a) as amended by PA 12-92, Section 6. This form does not constitute legal advice. The Office of the Secretary of the State (SOTS) is not authorized to provide legal advice to state agencies. Consult with your agency’s legal counsel before completing and submitting this form for filing

Instructions: (1) Save a copy of this document to your computer; (2) To enter data, use the Tab key to move between fields, or click-and-highlight an entire <text field>; (3) When complete, submit to your agency’s legal counsel for review and approval; (4) After approval by counsel, PRINT and submit to your agency head for his/her original signature; (5) Scan the originally-signed form and submit it as an email attachment, along with the electronic copy of the regulation that the statement certifies, to regulations.sots@ct.gov; (6) retain the originally-signed copy for your agency’s regulation-making record.

Submit the electronic copy and its certification statement to the Secretary of the State at regulations.sots@ct.gov concurrently with the paper copy of the original regulation, as required by CGS Section 4-172 as amended.

Electronic Copy Certification Statement

I, **Melody A. Currey, Commissioner** of the **Department of Motor Vehicles**, in accordance with the provisions of Section 4-172 of the *General Statutes of the State of Connecticut*, **do hereby certify:**

That the electronic copy of a regulation concerning **Complaints Against and Stipulation By Motor Vehicle Dealers and Repairers**, which was approved by the Legislative Regulation Review Committee on **June 24, 2014**, and which shall be submitted electronically for filing to the Secretary of the State by **Anne F. Howroyd** of this agency on **June 25, 2014**, is a true and accurate copy of the original regulation approved in accordance with Sections 4-169 and 4-170 of the *General Statutes of the State of Connecticut*.

In testimony whereof, I have hereunto set my hand on **June 25, 2014**.


(Signature of agency head)

IMPORTANT: Use this form (REGS-1) to submit permanent regulations to the Legislative Regulation Review Committee.
For emergency regulations, use form REGS-1-E instead.
For non-substantive technical amendments and repeals proposed without prior notice or hearing as permitted by subsection (g) of CGS 4-168, as amended by PA 13-247 and PA 13-274, use form REGS-1-T instead.

Please read the additional instructions on the back of the last page (Certification Page) before completing this form. Failure to comply with the instructions may cause disapproval of proposed regulations.

State of Connecticut
REGULATION
of the

NAME OF AGENCY:

Department of Motor Vehicles

Concerning

SUBJECT MATTER OF REGULATION:

Complaints Against and Stipulation by Motor Vehicle Dealers and Repairers

Section 1. Sections 14-63-45b and 14-63-45c of the Regulations of Connecticut State Agencies are amended and the following is substituted in lieu thereof:

Section 14-63-45b. Procedure for filing customer complaints

The following procedures shall be utilized by the division to receive and process complaints from customers of licensees, concerning the operations of and services provided by any such licensees:

1. Each complaint shall be in writing in a form provided by or acceptable to the Commissioner;
2. The complaint shall be a plain statement of the facts that form the basis of the claim against the licensee;
3. The complaint shall include the licensee's name, the customer's name and address, the date or dates on which the transaction or transactions with the licensee occurred, and if applicable, the description of any vehicle or vehicles that are the subject of a complaint;
4. The complaint shall be accompanied by all supporting material that pertains to the claim, including but not limited to invoices, repair orders and evidence of payment;
5. The division may request additional materials, which shall be provided by the customer if available; and
6. The complaint and supporting material shall be filed with the Department of Motor Vehicles, [Dealers and Repairers Complaints] Consumer Complaint Center, 60 State Street, Wethersfield, CT 06161.

Sec. 14-63-45c. Procedure and investigation [upon receipt] of customer complaint.

(a) Within fourteen (14) days of receipt of a customer complaint, a person within the division, as designated, shall notify the customer and the licensee [in writing] that the complaint was received, and that it shall be subject to further [review] investigation.

[(b) Within thirty (30) days of receiving a customer complaint, it shall be reviewed by a person designated.] The [review] investigation shall consist of:

1. A determination of whether the complaint is complete and all relevant documents are attached; and
2. A determination of whether the complaint states facts which if true, give rise to one or more violations of sections 14-51 through [14-66b] 14-66c, inclusive, of the Connecticut General Statutes, the regulations adopted thereunder, or both.

[(c)](b) In the event that the complaint is incomplete, the [person designated to review the complaint] investigator shall [state in writing] notify the customer what deficiencies exist in the complaint [, and notify the customer by mail]. The customer shall have [thirty (30)] twenty (20) days to correct the deficiencies noted. The investigator shall provide the customer, in writing, the date by which any deficiencies are due to the division. At his or her discretion, the [person designated to review the complaint] investigator may permit the customer additional time to submit materials, provided the customer has contacted the division within the original time period allotted to correct deficiencies. In the event that the deficiencies are not corrected within the specified time period or any extension of that time period, no action shall be taken on the complaint, the complaint file shall be closed, and the customer and the licensee shall be so notified [in writing]. The investigator shall keep a written record of all conversations with the customer and include such record in the customer complaint file.

[(d)](c) In the event that the complaint does not state facts that give rise to a violation of sections 14-51 [though 14-66b] through 14-66c, inclusive, of the Connecticut General Statutes, the regulations adopted thereunder, or both, the [person designated to review the complaint] investigator shall notify the customer and the licensee in writing that the department does not have jurisdiction over the matter, and shall not proceed with the complaint.

[(e)](d) If after [review] investigation it is determined that a complaint is complete and states one or more violations of sections 14-51 through [14-66b] 14-66c, inclusive, of the Connecticut General Statutes, the regulations adopted thereunder, or both, the [person designated to review the complaint] investigator shall notify the customer and the licensee [in writing]. The [written] notification shall relate the particular matters involved in the complaint, and shall inform the licensee that it [must file with the division a written response] shall respond to the matters alleged in the complaint within [thirty (30)] ten (10) days of the date of the [written] notification. [If the licensee fails to respond within the thirty (30) day period, the division shall send one additional notice to the licensee stating that failure to respond within a ten (10) day period from the date of the letter may result in an action against its license.]

[(f)](e) Upon receipt of the licensee's response, the [person designated to review the complaint] investigator [shall] may:

1. [Recommend that] Mediate a voluntary resolution of the complaint [be attempted through voluntary mediation;] that is acceptable to the customer and the licensee;
2. Recommend that the complaint proceed [directly to an investigation] to an administrative hearing; or
3. Determine that no action is to be taken, and [indicate] notify the customer and the licensee in writing of the reason for that determination.

(f) If the complaint is resolved through voluntary mediation, the licensee shall waive its right to an administrative hearing under Chapter 54 of the Connecticut General Statutes.

(g) If the licensee enters into a stipulated agreement, settlement agreement or consent order, and fails to comply with the terms thereof, the licensee's license shall be suspended in accordance with the terms of the stipulated agreement, settlement agreement or consent order.

(h) If the investigator determines that there is one or more probable violations of sections 14-51 through 14-66c, inclusive, of the Connecticut General Statutes, or the regulations adopted

thereunder, or both, and the division determines that it will take action thereon, the division shall notify the licensee and the customer and shall proceed in accordance with the Department of Motor Vehicles Rules of Practice as set forth in sections 14-137-36 through 14-137-39, inclusive, of the Regulations of Connecticut State Agencies, regardless of whether the matter has or has not been settled between the customer and the licensee.

Sec.2. Sections 14-63-45d to 14-63-45e, inclusive, of the Regulations of Connecticut State Agencies are repealed.

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

The amendment simplifies and streamlines the procedures concerning the operations of and services provided by the Consumer Complaint Center of the Department of Motor Vehicles which will enhance the effectiveness of the center. The amendment also (1) clarifies the role of the agency investigator in such matters and (2) incorporates changes from the 2013 legislative session that provide greater flexibility for the Commissioner in cases where one or more violations of law have occurred.

CERTIFICATION

This certification statement must be completed in full.

I hereby certify that the above Regulation(s)

- 1) is/are (check all that apply) adopted amended repealed by this agency pursuant to the following authority(ies): (complete all that apply)
- a. **Connecticut General Statutes section(s)** 14-63.
- b. **Public Act Number(s)** _____.
 (Provide public act number(s) if the authorizing act has not yet been codified in the Connecticut General Statutes.)

And I further certify

- 2) that **Notice of Intent** to adopt, amend or repeal said regulation(s) was electronically submitted to the Secretary of the State on February 6, 2014, and posted to the Secretary's regulations website on February 7, 2014; (Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)
- 3) and that a public hearing regarding the proposed regulation(s) was held on _____ or that no public hearing was held; (Insert date(s) of mandatory public hearing(s) held pursuant to CGS 4-168(a), as amended, or other applicable statute, and/or voluntary hearing, or if no hearing was held, check the box for that statement.)
- 4) and that notice of **Decision to Take Action** on said regulations was electronically submitted to the Secretary of the State on April 10, 2014, and posted to the Secretary's regulations website on April 14, 2014; (Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)
- 5) and that said regulation(s) is/are **EFFECTIVE** (check one, and complete as applicable)
 When posted online by the Secretary of the State.

OR on (insert date) _____.

6) SIGNED (Head of Board, Agency or Commission) <i>Melinda A. Conway</i>	OFFICIAL TITLE, DULY AUTHORIZED COMMISSIONER	DATE <u>7/17/14</u>
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APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended.

DATE <u>4/29/14</u>	SIGNED (Attorney General or AG's designated representative) <i>Joseph Rubin</i>	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL
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Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the Attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.

(For Regulation Review Committee Use ONLY)

APPROVED in WHOLE or WITH technical corrections deletions substitute pages

DEEMED APPROVED, pursuant CGS 4-170(c), as amended.

Rejected without Prejudice Disapproved, pursuant to CGS 4-170(c), as amended.

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE <u>6-24-14</u>	SIGNED (Administrator, Legislative Regulation Review Committee) <i>[Signature]</i>
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In accordance with CGS Section 4-172, as amended by PA 13-247 and PA 13-274, one certified paper copy and one electronic copy with agency head certification statement received on the date(s) specified below.

DATE	SIGNED (Secretary of the State)	BY
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(For Secretary of the State Use ONLY)

Date Posted to SOTS Regulations Website:

Date Electronic Copy Forwarded to the Commission on Official Legal Publications:

SOTS file stamp: