



Agency Legislative Proposal - 2017 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): **DMV01Agency**

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Motor Vehicles

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Lead agency division requesting this proposal: Legal Services Division

Agency Analyst/Drafter of Proposal: Sharon Geanuracos

Title of Proposal: An Act Concerning the Department of Motor Vehicles

Statutory Reference: Various (see summary)

Proposal Summary:

Sec. 1 Revises section 1-1h. Authorizes the commissioner to issue a non-driver identification card for a period up to eight years. Adjusts fee proportionately.

Sec. 2. Revises section 14-29. Prohibits insurers from issuing a policy for motor/service buses, taxis, school buses, STVs and livery vehicles that is lower than statutory limits. Clarifies that examiners and DMV's insurance unit must verify proof of insurance, but are not required to verify policy limits.

Sec. 3. Revises section 14-36. Removes language indicating that youth instruction permits expire when a person turns 18 years old.

Sec. 4. Revises section 14-36a. (Technical) Clarifies the endorsements that are included in the provision prohibiting operation of a public passenger vehicle when such endorsements are suspended or revoked.

Sec. 5. Revises 14-36e. Eliminates a requirement that DMV prepare a course of study for motor vehicle operation and highway safety for use by secondary schools.



Sec. 6. Revises section 14-41. Authorizes the commissioner to issue a license for a period up to eight years. Adjusts fee proportionately.

Sec. 7. Revises section 14-41b. Extends the time from 30 days to 60 days that a person who is honorably discharged from the armed forces may renew an expired license. Removes a provision that allows the honorably discharged service member to renew an expired license 30 days after his or her return to the state. The DMV is unable to administer this provision.

Sec. 8. Revises section 14-44c. (Technical) Removes language implying that intrastate CMV operators are not required to certify that they comply with certain federal regulations. All CDL holders and CMV operators are subject to the same requirements in 49 CFR Part 391, which has been adopted for intrastate operators through 14-163c.

Sec. 9. Revises section 14-44k. Clarifies when a CDL must be disqualified for convictions of two or more serious traffic violations. Brings the statute into compliance with federal regulations.

Sec. 10. Revises subsection (b) of section 14-52. Increases penalty from \$50 to \$200 for a dealer who fails to submit a replacement bond by the due date.

Sec. 11. Revises subsection (c) of section 14-58. Increases penalty from \$50 to \$200 for a dealer who fails to submit a replacement certificate of insurance by the due date.

Sec. 12. Revises subsection (a) of section 14-164c. This prohibits the commissioner from revoking a registration for or refusing to register any vehicle that is the subject of the consent decree entered by the court in the Volkswagen emissions litigation. Connecticut must have this provision in place in order to certify its beneficiary status and thereafter receive significant funds from the Environmental Mitigation Trust that is part of the settlement.

Sec. 13. Revises subsection (k) of section 14-164c. Clarifies the emissions requirements upon the casual sale or other transfer of a vehicle that is emissions non-compliant. It authorizes the commissioner to issue a limited term registration for a period of six months, during which the new owner will have 60 days to have the vehicle emissions tested, and 120 days to remedy a defect that causes the vehicle to fail. It requires a late fee if the deadlines are not met, and if the new owner fails to comply, the regular registration will not be issued.

Sec. 14. Revises subsection (a) of section 14-171. Makes changes that would allow the DMV to populate its registration applications from certain information that appears in supporting documents or electronic databases rather than requiring owners to complete



those sections on a paper form.

Sec. 15. Revises section 14-227k. (Resubmitted- technical) Makes a conforming change in the IID law that recognizes violations of IID restrictions for all statutes that require the installation and use of an IID.

Sec. 16. Revises subsection (b) of section 14-275c. (Technical) Substitutes “student transportation vehicle” in place of “motor vehicle used to transport children requiring special education” to the section that requires an annual physical exam for a driver over age 70.

Sec. 17. Revises subsection (b) of section 1 of public act 16-182. PA 16-182 establishes a diversion program for persons under age 21 who have been cited for certain alcohol related (e.g. possession of alcohol by a minor) and traffic offenses. This revision encompasses proposals by both DMV and DOT to exclude certain persons from this program: (1) CDL holders and CMV operators, in order to comply with federal anti-masking regulations (DMV); and (2) Those charged with a violation of 14-296aa, prohibiting hand held electronic devices and distracted driving, in order to retain federal grant money (DOT).

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) Have certain constituencies called for this action?*
- (4) What would happen if this was not enacted in law this session?*

- (1) Inconsistency with federal law – sections 9 and 16
 - (2) Implemented in other states- Sections 1 and 6- A number of states issue licenses longer than 6 years. It results in reducing the number of customers at DMV branches by expanding the renewals over a longer period.
 - (3) To the extent that sections 1, 6, 13 and 14 result in process improvements leading to reduced wait times, DMV customers have called for this action.
 - (4) Section 12 must be enacted in this session to ensure that CT will be eligible to certify its beneficiary status for a share of the VW settlement that is deposited in the Environmental Mitigation Trust. Connecticut's share of the Trust would be \$51,617,064.
- Section 9 is the result of a Federal audit, and should be adopted in this session.
Section 17 should be adopted in this session to avoid possible loss of federal grant funds.

◇ Origin of Proposal

New Proposal

Resubmission



If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

All sections of the proposal are new except for section 15, which was included in DMV’s bill in 2016. It was removed at the request of a legislator very close to the end of session, but it is simply a conforming technical change for a statutory revision that was made in 2014.

PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** (please list for each affected agency)

Agency Name:
Insurance Department (section 2); Veterans Affairs (section 7); DEEP (section 12);
Judicial/CSSD (Section 17- CDL language only)

Agency Contact (name, title, phone): [Click here to enter text.](#)
Insurance Department- Eric Weinstein, Director of Legislative Affairs; (860)297-3864
Veterans Affairs- Thomas J. Saadi, Chief of Staff & General Counsel (860)-616-3604
DEEP-Paul Farrell- Assistant Director, Planning & Standards-Bureau of Air Management
(860) 424-3389
CSSD- Gary A. Roberge, Assistant Director of Adult Services (860) 721-2130

Date Contacted: [Click here to enter text.](#)
Insurance Department-November 7, 2016
Veterans Affairs- November 15, 2016
DEEP-September 23, 2016
CSSD-July/August 2016

Approve of Proposal **YES** **NO** **Talks Ongoing**

Summary of Affected Agency’s Comments
DEEP proposed the change we are making to section 12, and we have consent from all other agencies. CSSD did not object to DMV’s change to section 17, but we did not speak with them about DOT’s change, also added to that section.

Will there need to be further negotiation? **YES** **NO**

◇ **FISCAL IMPACT** (please include the proposal section that causes the fiscal impact and the anticipated impact)



Municipal <i>(please include any municipal mandate that can be found within legislation)</i> N/A
State Fiscal impacts for sections 1 and 6 are indeterminable. There is no fiscal impact for section 3 as this is current practice. Sections 10 and 11 will result in increased revenue of \$12,300 based upon current year late fees. Section 12 will permit the state to apply for funds deposited by Volkswagen of America in the Environmental Mitigation Trust established as part of a settlement in "In Re: Volkswagen 'Clean Diesel' Marketing, Sales Practices, and Products Liability Litigation." Connecticut's share would be in excess of \$51,000,000, which must be used solely and exclusively in accordance with the trust documents to mitigate emissions.
Federal N/A
Additional notes on fiscal impact Click here to enter text.

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

Sections 1, 6, 13 and 14 are process improvements aimed at reducing wait times and duplicate visits to DMV.

Insert fully drafted bill here

Sec. 1. Subsection (b) of section 1-1h of the general statutes is repealed, and the following is substituted in lieu thereof *(Effective July 1, 2017)*:

b) An identity card shall expire within a period not exceeding six years from the date of initial issuance of such card. Each such card shall indicate its date of expiration. The fee for such identity card shall be twenty-two dollars and fifty cents. Any person who holds an identity card may be notified by the commissioner before its expiration and may renew such card in such manner as the commissioner shall prescribe [upon payment of a fee of twenty-two dollars and fifty cents]. Upon renewal, the commissioner may issue the identity card for



a period to be determined by the commissioner, provided such period does not exceed eight years. The fee for the renewal of an identity card shall be twenty-two dollars and fifty cents (1) plus a prorated amount of such fee for an identity card that is more than six years; or (2) minus a prorated amount of such fee for an identity card that is less than six years. The commissioner shall not provide notification by mail to the holder of an identity card if the United States Postal Service has determined that mail is undeliverable to such person at the address for such person that is in the records of the department.

Sec. 2. Section 14-29 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) The commissioner shall not register any motor bus, taxicab, school bus, motor vehicle in livery service, student transportation vehicle or service bus and no person may operate or cause to be operated upon any public highway any such motor vehicle until the owner or lessee thereof has procured insurance or a bond satisfactory to the commissioner, which insurance or bond shall indemnify the insured against any legal liability for personal injury, the death of any person or property damage, which injury, death or damage may result from or have been caused by the use or operation of such motor vehicle described in the contract of insurance or such bond. Such insurance or bond shall not be required from (1) a municipality which the commissioner finds has maintained sufficient financial responsibility to meet legal liability for personal injury, death or damage resulting from or caused by the use or operation of a service bus owned or operated by such municipality, or (2) the owner or lessee of such class of motor vehicle who holds a certificate of public necessity and convenience from the Department of Transportation if such owner or lessee has procured from the department a certificate that the department has found that such owner or lessee is of sufficient financial responsibility to meet legal liability for personal injury, death or property damage resulting from or caused by the use or operation of such motor vehicle. The Department of Transportation may issue such certificate upon presentation of evidence of financial responsibility that is satisfactory to it.

(b) (1) The amount of insurance or of such bond which each such vehicle owner or lessee shall carry as insurance or indemnity against claims for personal injury or death shall be not less than (A) fifty thousand dollars for one person subject to that limit per person; (B) for all persons in any one accident where the carrying capacity is seven passengers or less, one hundred thousand dollars; (C) eight to twelve passengers, inclusive, one hundred fifty thousand dollars; (D) thirteen to twenty passengers, inclusive, two hundred thousand dollars; (E) twenty-one to thirty passengers, inclusive, two hundred fifty thousand dollars; and (F) thirty-one passengers or more, three hundred thousand dollars; and such policy or such bond shall indemnify the insured against legal liability resulting from damage to the property of passengers or of others to the amount of ten thousand dollars.



(2) In lieu of the foregoing, a single limit of liability shall be allowed as insurance or indemnity against claims for personal injury or death and legal liability resulting from damage to the property of passengers or of others for any one accident (A) where the carrying capacity is seven passengers or less, not less than one hundred thousand dollars; (B) eight to twelve passengers, inclusive, not less than one hundred fifty thousand dollars; (C) thirteen to twenty passengers, inclusive, not less than two hundred thousand dollars; (D) twenty-one to thirty passengers, inclusive, not less than two hundred fifty thousand dollars; and (E) thirty-one passengers or more, not less than three hundred thousand dollars. The provisions of this subsection shall not apply to (i) a municipality which the commissioner has found to have sufficient financial responsibility to meet legal liability for damages as provided in subsection (a) of this section or (ii) the owner or lessees of any such motor vehicle holding a certificate of public convenience and necessity issued by the Department of Transportation whom the department has found to be of sufficient financial responsibility to meet legal liability for damages as provided in subsection (a).

(c) No person or company shall issue an insurance policy or indemnity bond for a vehicle specified in subsection (a) of this section for limits that are less than those described for such vehicle in subsection (b) or (g) of this section. Upon initial registration or renewal of any such vehicle, the commissioner shall presume that a policy or bond that is in effect under this section meets the minimum amounts required for such vehicle under subsection (b) or (g) of this section.

[(c)] (d) Any person or company issuing any such insurance or indemnity bond shall file with the Commissioner of Motor Vehicles a certificate in such form as he prescribes, and no such insurance or bond shall lapse, expire or be cancelled while the registration is in force until the commissioner has been given at least ten days' written notice of an intention to cancel and until he has accepted other insurance or another indemnity bond and has notified the person or company seeking to cancel such insurance or bond that such other insurance or bond has been accepted or until the registration of such motor vehicle described in such insurance policy or bond has been suspended or cancelled.

[(d)] (e) Any person injured in person or property by any such motor vehicle may apply to the commissioner for the name and description of the insurer of the vehicle causing such injury or the name of the surety upon any indemnity bond of any such owner or the name of the holder of a certificate of financial responsibility.

[(e)] (f) Any person who violates any provision of this section shall be fined not more than five hundred dollars or imprisoned not more than one year or both.

[(f)] (g) Notwithstanding the provisions of this section, any person, association or corporation operating a motor vehicle in livery service under the provisions of sections 13b-101 to 13b-109, inclusive, shall carry insurance or indemnity against claims for personal injury or death



and legal liability resulting from damage to the property of passengers or of others for any one accident in an amount not less than one million five hundred thousand dollars for vehicles with a seating capacity of fourteen passengers or less and five million dollars for vehicles with a seating capacity of fifteen passengers or more.

Sec. 3. Subsection (c) of section 14-36 of the general statutes is repealed, and the following is substituted in lieu thereof (*Effective upon passage*):

(1) A person who is sixteen or seventeen years of age and who has not had a motor vehicle operator's license or right to operate a motor vehicle in this state suspended or revoked may apply to the Commissioner of Motor Vehicles for a youth instruction permit. The commissioner may issue a youth instruction permit to an applicant after the applicant has passed a vision screening and test as to knowledge of the laws concerning motor vehicles and the rules of the road, has paid the fee required by subsection (v) of section 14-49 and has filed a certificate, in such form as the commissioner prescribes, requesting or consenting to the issuance of the youth instruction permit and the motor vehicle operator's license, signed by (A) one or both parents or foster parents of the applicant, as the commissioner requires, (B) the legal guardian of the applicant, (C) the applicant's spouse, if the spouse is eighteen years of age or older, or (D) if the applicant has no qualified spouse and such applicant's parent or foster parent or legal guardian is deceased, incapable, domiciled without the state or otherwise unavailable or unable to sign or file the certificate, the applicant's stepparent, grandparent, or uncle or aunt by blood or marriage, provided such person is eighteen years of age or older. The commissioner may, for the more efficient administration of the commissioner's duties, appoint any drivers' school licensed in accordance with the provisions of section 14-69 or any secondary school providing instruction in motor vehicle operation and highway safety in accordance with section 14-36e to issue a youth instruction permit, subject to such standards and requirements as the commissioner may prescribe in regulations adopted in accordance with chapter 54. Each youth instruction permit shall expire two years from the date of issuance[,] or on the date the holder of the permit is issued a motor vehicle operator's license [or on the date the holder attains the age of eighteen years], whichever is earlier. Any person who turns eighteen years of age and holds a valid unexpired youth instruction permit may retain such permit until the earlier of the expiration dates specified herein. (2) The youth instruction permit shall entitle the holder, while such holder has the permit in his or her immediate possession, to operate a motor vehicle on the public highways, provided such holder is under the instruction of, and accompanied by, a person who holds an instructor's license issued under the provisions of section 14-73 or a person twenty years of age or older who has been licensed to operate, for at least four years preceding the instruction, a motor vehicle of the same class as the motor vehicle being operated and who has not had his or her motor vehicle operator's license suspended by the commissioner during the four-year period preceding the instruction. (3) Unless the holder of the permit is under the instruction of and accompanied by a person who holds an instructor's



license issued under the provisions of section 14-73, no passenger in addition to the person providing instruction shall be transported unless such passenger is a parent or legal guardian of the holder of the permit. (4) The holder of a youth instruction permit who (A) is an active member of a certified ambulance service, as defined in section 19a-175, (B) has commenced an emergency vehicle operator's course that conforms to the national standard curriculum developed by the United States Department of Transportation, and (C) has had state and national criminal history records checks conducted by the certified ambulance service or by the municipality in which such ambulance service is provided, shall be exempt from the provisions of subdivisions (2) and (3) of this subsection only when such holder is en route to or from the location of the ambulance for purposes of responding to an emergency call. (5) The commissioner may revoke any youth instruction permit used in violation of the limitations imposed by subdivision (2) or (3) of this subsection.

Sec. 4. Subsection (h) of section 14-36a of the 2016 supplement to the general statutes is repealed, and the following is substituted in lieu thereof (*Effective upon passage*):

h) The revocation, suspension or withdrawal of, or refusal to issue or renew an "S" endorsement, or any endorsement described in subsection (c) of this section, shall prohibit the licensee from operating any public [service] passenger vehicle for which [a public passenger] an endorsement listed in subsection (c) is required [under this section]. During the period of such revocation, suspension or withdrawal of, or after a refusal to issue or renew an "S" endorsement, or any endorsement described in subsection (c) of this section, the commissioner shall not issue any other public passenger endorsement to such licensee.

Sec. 5. Section 14-36e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

[(a) The Department of Motor Vehicles shall prepare for use in all high and other secondary schools a course of study of motor vehicle operation and highway safety.]

[(b)] Each local and regional board of education may provide a course of instruction in motor vehicle operation and highway safety on a secondary school level, which course (1) shall consist of not less than thirty clock hours of classroom instruction offered during or after school hours as said board of education, in its discretion, may provide, including instruction of not less than fifteen minutes concerning the responsibilities of an operator of a motor vehicle under subsection (b) of section 14-223 and the penalty for a violation of the provisions of said subsection (b), and (2) may include behind-the-wheel instruction of up to twenty clock hours. Said course shall be open to enrollment by any person between the ages of sixteen and eighteen, inclusive, who is a resident of the town or school district or whose parent, parents or legal guardian owns property taxable in such town or school district. Any such board of education may contract for such behind-the-wheel instruction with a licensed drivers' school.



Sec. 6. Subsection (b) of section 14-41 of the general statutes as amended by public act 16-55 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(b) An original operator's license shall expire within a period not exceeding six years following the date of the operator's next birthday. The fee for such license shall be seventy-two dollars. Upon renewal of an original operator's license, the commissioner may issue such license for a period to be determined by the commissioner, provided such period does not exceed eight years. The fee for such renewal shall be seventy-two dollars (1) plus a prorated amount of such fee for an operator's license that is more than six years; or (2) minus a prorated amount of such fee for an operator's license that is less than six years. The commissioner may authorize a contractor, including, but not limited to, an automobile club or association, licensed in accordance with the provisions of section 14-67 on or before July 1, 2007, or any office or department of a municipality, to issue duplicate licenses and identity cards pursuant to section 14-50a, renew licenses, renew identity cards issued pursuant to section 1-1h and conduct registration transactions at its office facilities. The commissioner may authorize such contractors to charge a convenience fee, which shall not exceed five dollars, to each applicant for a license or identity card renewal or duplication, or for a registration transaction. The fee for such license shall be twelve dollars for each full year of the license term. The commissioner may authorize a contractor, including, but not limited to, an automobile club or association, licensed in accordance with the provisions of section 14-67 on or before July 1, 2007, or any office or department of a municipality, to issue duplicate licenses and identity cards pursuant to section 14-50a, renew licenses, renew identity cards issued pursuant to section 1-1h and conduct registration transactions at its office facilities. The commissioner may authorize such contractors to charge a convenience fee, which shall not exceed five dollars, to each applicant for a license or identity card renewal or duplication, or for a registration transaction.

Sec. 7. Section 14-41b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

A Connecticut motor vehicle operator's license held by any person on active duty with the armed forces and absent from this state due to such service shall be valid for [thirty] sixty days following the date on which the license holder is honorably separated from such service [or returns to this state], unless the license is suspended, cancelled or revoked as provided by law earlier than such date. The license shall be valid only when in the immediate possession of the license holder and the license holder has his or her discharge or separation papers in his or her immediate possession.

Sec. 8. Subsection (a) of section 14-44c of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof:



- (a) The application for a commercial driver's license or commercial driver's instruction permit, shall include the following:
- (1) The full name and current mailing and residence address of the person;
 - (2) A physical description of the person, including sex, height and eye color;
 - (3) Date of birth;
 - (4) The applicant's Social Security number;
 - (5) The person's statement, under oath, that such person meets the requirements for qualification contained in 49 CFR 391, as amended[, or does not expect to operate in interstate or foreign commerce];
 - (6) The person's statement, under oath, that the type of vehicle in which the person has taken or intends to take the driving skills test is representative of the type of motor vehicle the person operates or intends to operate;
 - (7) The person's statement, under oath, that such person is not subject to disqualification, suspension, revocation or cancellation of operating privileges in any state, and that he or she does not hold an operator's license in any other state;
 - (8) The person's identification of all states in which such person has been licensed to drive any type of motor vehicle during the last ten years, and the person's statement, under oath that he or she does not hold an operator's license in any other state; and
 - (9) The person's signature, and certification of the accuracy and completeness of the application, subject to the penalties of false statement under section 53a-157b. The application shall be accompanied by the fee prescribed in section 14-44h.

Sec. 9. Subsection (f) of section 14-44k of the general statutes is amended and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(f) In addition to any other penalties provided by law, a person is disqualified from operating a commercial motor vehicle for a period of not less than sixty days if convicted of two serious traffic violations, as defined in section 14-1, or one hundred twenty days if convicted of three serious traffic violations, [committed while operating any motor vehicle] arising from separate incidents occurring within a three-year period: (1) while operating a commercial motor vehicle; (2) while operating a non-commercial motor vehicle provided such violation resulted in a suspension, for any period of time, of the person's Class D license; or (3) from any combination of subdivisions (1) and (2) of this subsection. The period of any disqualification for a subsequent offense imposed under this subsection shall commence immediately after the period of any other disqualification imposed on such person. The



disqualification periods in this subsection shall also apply to convictions under the provisions of law of another state, of offenses deemed by the commissioner to constitute serious traffic violations, as defined in section 14-1.

Sec. 10. Subdivision (5) of subsection (b) of section 14-52 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(5) The commissioner shall assess an administrative fee of [fifty] two hundred dollars against any licensee for failing to provide proof of bond renewal or replacement on or before the date of the expiration of the existing bond. Such fee shall be in addition to the license suspension or revocation penalties and the civil penalties to which the licensee is subject pursuant to section 14-64.

Sec. 11. Subsection (c) of section 14-58 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(c) Registration certificates issued under the provisions of this section shall not be required to be carried upon such motor vehicles when upon the public highways as required under subsection (a) of section 14-13, except that the licensee shall issue to each person driving such motor vehicle a document indicating that such person is validly entrusted with such vehicle which document shall be carried in the motor vehicle. The commissioner shall determine the form and contents of this document. Legible photostatic copies of such registration certificates may be carried in such vehicles as proof of ownership. The licensee shall furnish financial responsibility satisfactory to the commissioner as defined in section 14-112, provided such financial responsibility shall not be required from a licensee when the commissioner finds that the licensee is of sufficient financial responsibility to meet such legal liability. The commissioner may issue such license upon presentation of evidence of such financial responsibility satisfactory to the commissioner. The commissioner shall assess an administrative fee of [fifty] two hundred dollars against any licensee for failing to provide proof of policy or bond renewal or replacement on or before the expiration date of the existing policy or bond . Such fee shall be in addition to the license suspension or revocation penalties and the civil penalties to which the licensee is subject pursuant to section 14-64.

Sec. 12. Subsection (a) of section 14-164c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(a) No person shall fail to maintain in good working order or remove, dismantle or otherwise cause to be inoperative any equipment or feature constituting an operational element of the air pollution control system or mechanism of a motor vehicle required by regulations of the Commissioner of Energy and Environmental Protection to be maintained or on the vehicle. Any such failure to maintain in good working order or removal, dismantling or causing of



inoperability shall subject the owner thereof to revocation of registration for such vehicle by the Commissioner of Motor Vehicles unless all parts and equipment constituting elements of air pollution control have been made operable and in good working order within sixty days of notice by said commissioner of such violation. Any such failure shall be considered a failure to comply with the periodic inspection requirements established under subsection (c) of this section. As used in this section, "motor vehicle" has the same meaning as provided in section 14-1. The commissioner shall not enforce the requirements of this subsection in the case of a vehicle that is the subject of a consent decree entered as a judgment by the United States District Court, Northern District of California, on October 25, 2016 in Case Number 15-MD-2672-CRB (JSC) entitled "In Re: Volkswagen 'Clean Diesel' Marketing, Sales Practices, and Products Liability Litigation."

Sec. 13. Subdivision (1) of subsection (k) of section 14-164c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(k) (1) The commissioner, with approval of the Secretary of the Office of Policy and Management, shall establish, and from time to time modify, the inspection fees, not to exceed twenty dollars for each biennial inspection or reinspection required pursuant to this chapter for inspections performed at official emissions inspection stations. Such fees shall be paid in a manner prescribed by the commissioner. If the costs to the state of the emissions inspection program, including administrative costs and payments to any independent contractor, exceed the income from such fees, such excess costs shall be borne by the state. Any person whose vehicle has been inspected at an official emissions inspection station shall, if such vehicle is found not to comply with any required standards, have the vehicle repaired and have the right within sixty consecutive calendar days to return such vehicle to the same official emissions inspection station for one reinspection without charge, provided, where the sixtieth day falls on a Sunday, legal holiday or a day on which the commissioner has established that special circumstances or conditions exist that have caused emissions inspection to be impracticable, such person may return such vehicle for reinspection on the next day. The commissioner shall assess a late fee of twenty dollars against the owner of a motor vehicle that has not presented such motor vehicle for an emissions inspection within thirty days following the expiration date of the assigned inspection period, or that has not presented such motor vehicle for a reinspection within sixty days following a test failure, or both. The commissioner may waive such late fee when it is proven to the commissioner's satisfaction that the failure to have the vehicle inspected within thirty days of the assigned inspection period or during the sixty-day reinspection period was due to exigent circumstances. If ownership of [the] a motor vehicle that is not in compliance with this section has been transferred, the new owner shall have such motor vehicle inspected within thirty days of the registration of such motor vehicle. After the expiration of such thirty-day period, the commissioner shall require the payment of the late fee specified in this subdivision. If the thirtieth day falls on a Sunday, legal holiday or a day on which the



commissioner has established that special circumstances or conditions exist that have caused emissions inspection to be impracticable, such vehicle may be inspected on the next day and no late fee shall be assessed. At the commissioner's discretion, the commissioner may issue an initial motor vehicle registration, limited to six months in duration, to a registrant who purchases a vehicle that has not had an emissions inspection or that is not in compliance with the periodic inspection requirements contained in this section. Within sixty days of the issuance of such limited registration, the registrant shall have the motor vehicle inspected in accordance with this section. The commissioner shall not renew or extend such registration for any reason. The commissioner shall charge the registrant the late fees specified in this subsection if such registrant fails to have an emissions inspection within sixty days of issuance of the limited registration. If a reinspection is required during the time that the limited registration is in effect, the commissioner shall charge a late fee if the registrant fails to have a reinspection within sixty days of the original inspection, as required by this subsection, and within the limited registration period. This subsection shall not apply to a motor vehicle that is sold by a motor vehicle dealer licensed under section 14-52. The fee for such limited registration shall be one-quarter of the fee for a two-year registration or one-half of the fee for a one-year registration.

Sec. 14. Subsection (a) of section 14-171 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) The application for a certificate of title of a vehicle in this state shall be made [by the owner] on a form the commissioner prescribes and shall contain the following information, as provided by the owner or acquired through one or more databases used by the commissioner: (1) The name, residence and mail address of the owner; (2) a description of the vehicle including, so far as the following data exists, its make, model, identification number, type of body, the number of cylinders and whether new or used; (3) the mileage reading at the time of application; (4) the date of purchase by the applicant, the name and address of the person from whom the vehicle was acquired and the names and addresses of any lienholders in the order of their priority and the dates of their security agreements and, if a new vehicle, the application shall be accompanied by a manufacturer's or importer's certificate of origin; and (5) any further information the commissioner reasonably requires to identify the vehicle and to enable the commissioner to determine whether the owner is entitled to a certificate of title and the existence or nonexistence of security interests in the vehicle. Such application shall be accompanied by the most recent Connecticut certificate of title for such vehicle, if any, unless the owner submits a statement on a form prescribed by the commissioner, that the title is lost or destroyed or, despite reasonable efforts cannot be located or obtained from the person or firm last known to have possession of such certificate or title.



Sec. 15. Section 14-227k of the general statutes is repealed, and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(a) No person whose right to operate a motor vehicle has been restricted pursuant to an order of the court under subsection (b) of section 14-227j or by [the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a or subsection (i) of section 14-111] any provision of law that requires the use of an ignition interlock device shall (1) request or solicit another person to blow into an ignition interlock device or to start a motor vehicle equipped with an ignition interlock device for the purpose of providing such person with an operable motor vehicle, or (2) operate any motor vehicle not equipped with a functioning ignition interlock device or any motor vehicle that a court has ordered such person not to operate.

(b) No person shall tamper with, alter or bypass the operation of an ignition interlock device for the purpose of providing an operable motor vehicle to a person whose right to operate a motor vehicle has been restricted pursuant to an order of the court under subsection (b) of section 14-227j or by [the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a or subsection (i) of section 14-111] a provision of law that requires the use of an ignition interlock device.

(c) (1) Any person who violates any provision of subdivision (1) of subsection (a) or subsection (b) of this section shall be guilty of a class C misdemeanor.

(2) Any person who violates any provision of subdivision (2) of subsection (a) of this section shall be subject to the penalties set forth in subsection (c) of section 14-215.

(d) Each court shall report each conviction under subsection (a) or (b) of this section to the Commissioner of Motor Vehicles, in accordance with the provisions of section 14-141. The commissioner shall suspend the motor vehicle operator's license or nonresident operating privilege of the person reported as convicted for a period of one year.

Sec. 16. Subsection (b) of section 14-275c of the general statutes as amended by public act 16-55 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(b) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, governing (1) the inspection, registration, operation and maintenance of motor vehicles used by any carrier to transport students, and (2) the licensing of operators of such vehicles. A person who has attained the age of seventy shall be allowed to hold a license endorsement [for the purpose of operating a motor vehicle to transport children requiring special education] to operate a student transportation vehicle provided such person meets the minimum physical requirements set by the commissioner and agrees to submit to a physical examination by a medical examiner, certified in accordance with 49 CFR 390.109, at least annually or more frequently if directed to do so by such medical examiner or the superintendent of the school system in which such person intends to operate such vehicle.



Sec. 17. Subsection (b) of section 1 of public act 16-182 is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(b) This section shall not be applicable to any person (1) who, at the time of the offense, holds a commercial driver's license or commercial driver's instruction permit or is operating a commercial motor vehicle as defined in section 14-1, (2) charged with a motor vehicle violation causing serious injury or death, a motor vehicle violation classified as a felony unless good cause is shown, or a violation of section 14-227a [or], 14-227g or 14-296aa of the general statutes.



Agency Legislative Proposal - 2017 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DMV02ABA

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Motor Vehicles

Liaison: Millie Torres-Ferguson

Phone: 860-263-5032

E-mail: millie.torres@ct.gov

Lead agency division requesting this proposal: Legal Services Division

Agency Analyst/Drafter of Proposal: Sharon Geanuracos

Title of Proposal: An Act Concerning Procedures for the Disposition of Abandoned Motor Vehicles

Statutory Reference: Sections 14-145, 14-150, 42-160, 49-61

Proposal Summary:

This proposal is intended to clarify the process through which a garage owner disposes of an abandoned motor vehicle so that it is uniform for all towed vehicles as well as vehicles subject to artificer's liens. It also increases the fees that a tower or garage owner pays to file documents through which unclaimed vehicles may be transferred after sale, and makes technical changes and updates.

14-145

- Removes the "s" from the word "periods" in (b)(1)(B) and (b)(2)(B) to correspond with the change in 14-150 to create one consistent time frame (regardless of vehicle value)
- Expands the cited subsections of 14-150 listed in (b)(1)(B) and (b)(2)(B) due to proposed changes in 14-150.

14-150

(d)

- Clarifies that "H-109 vehicles" can only be junked and should be junked immediately
- Adds the phrase "return receipt requested" for consistency purposes
- Provides a technical change, which changes the word "them" to "such person's representatives"



(e)

- Adds the phrase “return receipt requested” for consistency purposes
- Removes the separate time frames required for holding an abandoned motor vehicle depending on vehicle value and creates a consistent thirty (30) day time frame

(g) **Notice of Intent to Sell** *(Re-organized along with (h), (i) and new (j))*

- Removes all language that specifies different procedures depending on vehicle value and creates one consistent thirty (30) day time frame
- Specifies that a notice of intent to sell must immediately be sent to the commissioner, owner and lienholder
- Specifies that an Affidavit of Compliance will be issued upon approval of the notice of intent to sell

(h) **Notice of Intent to Sell (Requirements)** *(Re-organized along with (g), (i) and new (j))*

- Outlines the information required in the notice of intent to sell
- Changes the required fee from five dollars (\$5.00) to twenty-five dollars (\$25.00) and clarifies that a fee will be charged for a duplicate Affidavit of Compliance
- Specifies that notice to the owner and lienholder shall include notice of the earliest potential date of sale and that auction proceeds may be claimed within one (1) year

(i) **Sale** *(Re-organized along with (g), (h) and new (j))*

- Outlines the sale procedures at public auction and allocation of the proceeds
- Adds language that the commissioner may limit storage in excess of thirty (30) days unless justified by the tower

(j) **Report of Sale** *(Re-organized along with (g), (h) and (i))*

- Changes section (h) to (j) to complete re-organization of 14-150
- Removes old (i), which was re-organized and incorporated above
- No changes other than numbering, but includes the submission of the H-110 (report of sale)

(k) **Regulations** - Re-numbering due to changes listed above

42-160

- Increases fee in subsection (b) from five dollars (\$5.00) to twenty-five dollars (\$25.00)

49-61

- Increases fee in subsection (b) from five dollars (\$5.00) to twenty-five dollars (\$25.00)
- Adds language to clarify that an Affidavit of Compliance will be issued by the commissioner upon approval of the notice of intent to sell and that a twenty-five dollar (\$25.00) fee will be charged for any request for a duplicate Affidavit of Compliance



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PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:
(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?
(3) Have certain constituencies called for this action?
(4) What would happen if this was not enacted in law this session?
N/A

◇ Origin of Proposal New Proposal Resubmission

If this is a resubmission, please share:
(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package?
(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
(4) What was the last action taken during the past legislative session?
Click here to enter text.

PROPOSAL IMPACT

◇ AGENCIES AFFECTED (please list for each affected agency)

Agency Name: N/A
Agency Contact (name, title, phone): Click here to enter text.
Date Contacted: Click here to enter text.
Approve of Proposal YES NO Talks Ongoing
Summary of Affected Agency’s Comments
N/A
Will there need to be further negotiation? YES NO



◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

<p>Municipal <i>(please include any municipal mandate that can be found within legislation)</i> N/A</p>
<p>State There is a projected revenue increase of \$130,000 annually based upon the proposed increase in filing fees from \$5 to \$25. The fees in these statutes are for filing documents that are used to transfer abandoned vehicles upon a sale at auction, and are similar to title fees. The title application fee is \$25, so this proposed increase is to bring these fees in line with title fees. The DMV also charges \$25 upon filing an application for a replacement certificate of title.</p> <p>For the statutes in which DMV is proposing this fee change, the current \$5 fee is for the “filing” of the H-100/H-100A and the “application” for a certificate of title (although DMV returns the check or does not accept payment if an H-76 or Title will not be issued).</p> <p>In regard to the proposed fee increase for ABAs/Artificer’s Liens, please note the following:</p> <p>There has been no increase in the fees since the fees were added in 1991 (ABA) and 1983 (Artificer’s):</p> <p>14-150 - June Sp. Sess. P.A. 91-13 added \$5 fee for filing of notice; and</p> <p>49-61 - P.A. 83-220 amended Subsec. (b) to require the bailee to enclose a fee of \$5 with his notice to the commissioner of motor vehicles and to require the commissioner to send the bailee the name and address of any lienholder, and amended Subsec. (d) to require the bailee to notify any lienholder prior to the sale of a motor vehicle.</p> <p>The amount of DMV resources devoted to processing documents related to the disposition of abandoned motor vehicles justifies the increase in the fee.</p>
<p>Federal N/A</p>
<p>Additional notes on fiscal impact Click here to enter text.</p>

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

<p>Click here to enter text.</p>



Insert fully drafted bill here

Sec. 17. Section 14-145 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a)(1) An owner or lessee of private property, or his or her agent, may remove or cause to be removed, or may use a wheel-locking device to render immovable, any motor vehicle left without authorization on such property in accordance with the provisions of this section and sections 14-145a to 14-145c, inclusive, provided any owner or lessee of private commercial property, or his or her agent, shall install conspicuous signage stating that motor vehicles left without authorization on such private commercial property may be removed or rendered immovable and indicating where such motor vehicle will be stored, how the vehicle may be redeemed and any costs or fees that may be charged.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, an owner or lessee of private commercial property or such owner or lessee's agent may tow any motor vehicle left without authorization on such property and no signage warning of such towing shall be required to be installed by such owner or lessee if such motor vehicle is left (A) in a space reserved, as required in section 14-253a, for exclusive use by persons who are blind and persons with disabilities and such vehicle does not bear a removable windshield placard or special license plate, as defined in section 14-253a, (B) in an area reserved for authorized emergency vehicles, (C) within ten feet of a fire hydrant, as provided in section 14-251, (D) blocking building access, (E) blocking entry or exit from such property, or (F) for forty-eight or more hours.

(3) A lending institution may repossess any motor vehicle, in accordance with the provisions of section 36a-785, by contracting with a wrecker licensed under section 14-66 or an entity exempt from such licensure, as provided in subsection (f) of section 14-66, to tow or otherwise remove such motor vehicle in accordance with the provisions of this section and sections 14-145a to 14-145c, inclusive. In the case of a repossession, no signage as described in subdivision (1) of this subsection shall be required.

(4) This section shall not apply to law enforcement, fire-fighting, rescue, ambulance or emergency vehicles which are marked as such, or to motor vehicles left without authorization on property leased by any governmental agency.

(b) (1) (A) When an unauthorized motor vehicle is towed or otherwise removed by a wrecker licensed under section 14-66, or a repossessed motor vehicle is towed or otherwise removed by a wrecker or an exempt entity, the licensee or operator of the wrecker or the exempt entity shall notify the local police department of the tow or removal within two hours. Such notification shall be submitted, in writing, or transmitted by facsimile or electronic mail and



the record of such notification shall be retained by such licensee, operator or exempt entity in accordance with the provisions of section 14-66b.

(B) No such licensee, operator or exempt entity may charge a storage fee for an unauthorized or repossessed motor vehicle for the time it is stored prior to notification of the local police department by the licensee, operator or exempt entity. If such motor vehicle is not claimed within forty-eight hours, the licensee or operator of the wrecker or of the garage where such motor vehicle is stored or the exempt entity shall immediately complete a notice of such tow, on a form prescribed by the Commissioner of Motor Vehicles, and mail a copy of such form by certified mail, return receipt requested, to the owner and all lienholders of record. If the motor vehicle is not claimed by its owner within the time period[s] specified in subsection (e) of section 14-150, the licensee or operator of the wrecker or of the garage where such motor vehicle is stored or the exempt entity may dispose of it in accordance with the provisions of subsection (e) and subsections (g) to [(i)] (j), inclusive, of section 14-150.

(2) (A) When an unauthorized motor vehicle is rendered immovable through use of a wheel-locking device by an owner or lessee of private property or his or her agent, such owner, lessee or agent shall notify the local police department of such action within two hours. Such notification shall be submitted in writing or transmitted by facsimile or electronic mail. The record of such notification shall be retained by such owner, lessee or agent at the private property upon which such action took place, for a period of not less than six months and shall be available for inspection during regular business hours by any sworn member of the local police department or law enforcement officer or inspector designated by the Commissioner of Motor Vehicles.

(B) No owner, lessee or agent may charge a fee to remove a wheel-locking device prior to notification of the local police department. The fee charged to remove a wheel-locking device may not be more than fifty dollars. The person claiming the motor vehicle may choose to pay such fee in cash, by check or by debit or credit card. Ten per cent of such fee shall be remitted to the local police department by the owner, lessee or agent. If such motor vehicle is not claimed within forty-eight hours after being rendered immovable, the owner, lessee or agent shall immediately complete a notice that such motor vehicle has been rendered immovable, on a form prescribed by the commissioner, and mail a copy of such form by certified mail, return receipt requested, to the owner of such motor vehicle and all lienholders of record. If the motor vehicle is not claimed by its owner within the time period[s] specified in subsection (e) of section 14-150, the owner, lessee or agent may dispose of such motor vehicle in accordance with the provisions of subsection (e) and subsections (g) to [(i)] (j), inclusive, of section 14-150.

(3) The local police department, not later than forty-eight hours after receiving notification of a tow or removal of an unauthorized motor vehicle pursuant to subdivision (1) of this



subsection, or use of a wheel-locking device pursuant to subdivision (2) of this subsection, shall enter the vehicle identification number into the National Crime Information Center database and the Connecticut On-Line Law Enforcement Communications Teleprocessing System to determine whether such motor vehicle has been reported as stolen. If such motor vehicle has been reported as stolen, the local police department shall immediately notify the department that reported the vehicle as stolen.

(c) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, (1) specifying the circumstances under which title to any motor vehicle towed or stored, or both, or rendered immovable under this section may be transferred to any person, firm or corporation towing, storing or rendering immovable such vehicle, and (2) establishing the procedure whereby such person, firm or corporation may obtain title to such motor vehicle.

(d) Any person who violates any provision of this section shall, for a first offense, be deemed to have committed an infraction and be fined fifty dollars, and, for each subsequent offense, shall be fined not less than fifty dollars and not more than one hundred dollars or imprisoned not more than thirty days or be both fined and imprisoned.

Sec. 18. Section 14-150 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) Any person who abandons any motor vehicle within the limits of any highway or upon property other than such person's own without the consent of the owner thereof for a period longer than twenty-four hours shall have committed an infraction and shall be fined not less than eighty-five dollars. The last owner of record of a motor vehicle found abandoned, as shown by the files of the Department of Motor Vehicles, shall be deemed *prima facie* to have been the owner of such motor vehicle at the time it was abandoned and the person who abandoned the same or caused or procured its abandonment.

(b) Any inspector of the Department of Motor Vehicles, any officer attached to an organized police department, any enforcement officer of a parking authority authorized under an ordinance adopted pursuant to section 7-204a to enforce parking regulations in the municipality in which it is located or any state police officer upon discovery of any motor vehicle, whether situated within or without any highway of this state, which is a menace to traffic or public health or safety, shall take such motor vehicle into such inspector's or officer's custody and cause the same to be taken to and stored in a suitable place.

(c) Any inspector of the Department of Motor Vehicles, any officer attached to an organized police department, any enforcement officer of a parking authority authorized under an ordinance adopted pursuant to section 7-204a to enforce parking regulations in the municipality in which it is located or any state police officer, upon discovery of any motor



vehicle apparently abandoned or a motor vehicle without proper registration, whether situated within or without any highway of this state, shall affix to such motor vehicle a notification sticker in a manner so as to be readily visible. This notification sticker shall contain the following information: (1) The date and time the notification sticker was affixed to the motor vehicle; (2) a statement that pursuant to this section, if the motor vehicle is not removed within twenty-four hours of the time the sticker was affixed, it shall be taken into custody and stored at the owner's expense; (3) the location and telephone number where additional information may be obtained; and (4) the identity of the affixing officer. If the motor vehicle is not removed within such twenty-four-hour period, the affixing department or parking authority shall take such motor vehicle into its custody and cause the same to be stored in a suitable place, except that such department or parking authority shall make a reasonable attempt to notify the owner of any such motor vehicle which is determined to be stolen prior to taking such vehicle into its custody and shall allow such owner to make arrangements for removal of such vehicle.

(d) If the motor vehicle has no registration marker plates or invalid registration marker plates, and if such inspector or officer makes a determination in good faith that (1) the motor vehicle is apparently abandoned, (2) the market value of such motor vehicle in its current condition is five hundred dollars or less, and (3) the motor vehicle is so vandalized, damaged, or in disrepair as to be unusable as a motor vehicle, title to such motor vehicle shall, upon taking custody of such motor vehicle, immediately vest in the municipality in which the motor vehicle was discovered and shall immediately be sold or transferred to a recycler licensed in accordance with section 14- 67l. Within forty-eight hours of the time that such motor vehicle is taken into custody, the affixing department or parking authority shall notify the Commissioner of Motor Vehicles, in writing, of the vehicle identification number and a description of the motor vehicle. Upon sale or other disposition of the motor vehicle, the affixing department or parking authority shall give written notice by certified mail, return receipt requested, to the person who was the owner of such motor vehicle at the time of abandonment, if known, which notice shall state that the motor vehicle has been sold or otherwise disposed of. The proceeds of the sale or disposition, or the fair market value of the motor vehicle in its current condition, whichever is greater, less the towing and sale or disposal expenses and the amount of any fines due, shall be paid to such person or such person's representatives, if claimed by such person or [them] such person's representatives within one year from the date of sale. If such balance is not claimed within such period, it shall escheat to the municipality. If the expenses incurred by the municipality for towing and the sale or disposition of such motor vehicle and any such fines exceed the proceeds of such sale or disposition, such person shall be liable to such municipality for such excess amount.

(e) Within forty-eight hours of the time that a motor vehicle is taken into custody and stored pursuant to subsection (b) or (c) of this section, the affixing department or parking authority



shall give written notice by certified mail, return receipt requested, to the owner and any lienholders of such motor vehicle, if the same appears on the records of the Department of Motor Vehicles, which notice shall state (1) that the motor vehicle has been taken into custody and stored, (2) the location of storage of the motor vehicle, (3) that, unless title has already vested in the municipality pursuant to subsection (d), such motor vehicle may be sold after [fifteen] thirty days [if the market value of such motor vehicle does not exceed one thousand five hundred dollars or after forty-five days if the value of such motor vehicle exceeds one thousand five hundred dollars], and (4) that the owner has a right to contest the validity of such taking by application, on a form prescribed by the Commissioner of Motor Vehicles, to the hearing officer named in such notice within ten days from the date of such notice. Such application forms shall be made readily available to the public at all offices of the Department of Motor Vehicles, parking authorities authorized under an ordinance adopted pursuant to section 7-204a to enforce parking regulations and state and local police departments.

(f) (1) The chief executive officer of each town shall appoint a suitable person, who shall not be a member of any state or local police department, to be a hearing officer to hear applications to determine whether or not the towing within such municipality of such motor vehicle was authorized under the provisions of this section. Two or more towns may join in appointing such hearing officer; provided any such hearing shall be held at a location which is as near to the town within which such motor vehicle was towed as is reasonable and practicable. The commissioner shall establish by regulation the qualifications necessary for hearing officers and procedures for the holding of such hearings. If it is determined at such hearing that the vehicle was not a menace to traffic, abandoned or unregistered, as the case may be, the owner of such motor vehicle shall not be liable for any expenses incurred as a result of the taking and storage of such motor vehicle, the lien provisions of this section shall not apply to such owner, and the department which took and stored such motor vehicle shall be liable for such expenses. If the owner, prior to such determination, pays such expenses and the storage charges of such motor vehicle, and it is determined at such hearing that the motor vehicle was not a menace to traffic, abandoned or unregistered, as the case may be, the department or parking authority which took such motor vehicle shall be liable to such owner for the amount paid by such owner. Any person aggrieved by the decision of such hearing officer may, within fifteen days of the notice of such decision, appeal to the superior court for the judicial district wherein such hearing was held.

(2) The chief executive officer of each municipality shall designate a suitable person who shall be responsible for the collection of data concerning abandoned motor vehicles within such municipality and the preparation and submission of periodic reports to the Commissioner of Motor Vehicles which shall contain such information as the commissioner may require.



(g) The owner or keeper of any garage or other place where such motor vehicle is stored shall have a lien upon the same for such owner's or keeper's towing or storage charges, or both, that result from towing or storage under this section. Unless title has already vested in the municipality pursuant to subsection (d) of this section, [if the current market value of such motor vehicle as determined in good faith by such owner or keeper does not exceed one thousand five hundred dollars and such motor vehicle has been stored for a period of not less than fifteen days, such owner or keeper may, unless an application filed by the owner pursuant to subsection (e) of this section is pending and the owner of such motor vehicle has notified such owner or keeper that such application for hearing has been filed, sell the same for storage and towing charges owed thereon, provided a notice of intent to sell shall be sent to the commissioner, the owner and any lienholder of record of such motor vehicle, if known, five days before the sale of such vehicle. If the current market value of such motor vehicle as determined in good faith by such owner or keeper exceeds one thousand five hundred dollars] and if such motor vehicle has been so stored for a period of [forty-five] thirty days, such owner or keeper shall, unless an application filed by the owner pursuant to subsection (e) of this section is pending and the owner of such motor vehicle has notified such owner or keeper that such application for hearing has been filed, [sell the same at public auction for cash, at such owner's or keeper's place of business, and apply the avails of such sale toward the payment of such owner's or keeper's charges and the payment of any debt or obligation incurred by the officer who placed the same in storage, provided if the last place of abode of the owner of such motor vehicle is known to or may be ascertained by such garage owner or keeper by the exercise of reasonable diligence, notice of the time and place of sale shall be given to such owner and any lienholder of record by mailing such notice to such owner by certified mail, return receipt requested, at such last usual place of abode, at least five days before the time of sale. At any public auction held pursuant to this subsection, such garage owner or keeper may set a minimum bid equal to the amount of such owner's or keeper's charges and obligations with respect to the tow and storage of the motor vehicle. If no such bid is made, such owner or keeper may sell or dispose of such vehicle.] immediately send a notice of intent to sell to the commissioner, the owner, provided the last place of abode of the owner of such motor vehicle is known to or may be ascertained by such garage owner or keeper by exercise of reasonable diligence, and any lienholder of record of such motor vehicle, by certified mail, return receipt requested. Upon approval by the commissioner of the notice of intent to sell, the commissioner shall issue the garage owner or keeper an Affidavit of Compliance.

(h) The notice of intent to sell filed pursuant to subsection (g) of this section shall state the make, model and vehicle identification number of such motor vehicle, the date such motor vehicle was left with the owner or keeper of such garage for storage and by whom and the registration number thereof if any number plates are on such motor vehicle, which notice shall be placed on file by the commissioner and subject to public inspection. The fee for filing



such notice and for any duplicate Affidavit of Compliance issued by the commissioner shall be twenty-five dollars. The notice of intent to sell shall be accompanied by a notice to the owner and any lienholder of such motor vehicle of the earliest date on which such motor vehicle will be sold at public auction for cash at such owner or keeper's place of business and notice that any proceeds in excess of such owner or keeper's charges and expenses may be claimed by the owner of the motor vehicle within one year from the date of such sale. Any sale under the provisions of this section shall be void, unless the notice required by this section has been given to the commissioner.

(i) The owner or keeper of such garage shall sell a motor vehicle for which an Affidavit of Compliance has been issued by the commissioner at public auction for cash, at such owner's or keeper's place of business no sooner than five days from the mailing of the notice of intent to sell, and apply the proceeds of such sale toward the payment of such owner's or keeper's charges and the payment of any debt or obligation incurred by the officer who placed the motor vehicle in storage. At any public auction held pursuant to this subsection, such garage owner or keeper may set a minimum bid equal to the amount of such owner's or keeper's charges and obligations with respect to the tow and storage of the motor vehicle. If no such bid is made, such owner or keeper may sell or dispose of such vehicle. Such owner or keeper shall provide the purchaser of such motor vehicle with an Affidavit of Compliance at the time of sale. Except for the thirty-day period immediately following the date such motor vehicle was towed or placed in storage, the commissioner may limit the number of days that the owner or keeper may charge for storage of the motor vehicle prior to the time such motor vehicle was sold unless the owner or keeper provides evidence to the commissioner sufficient to show that the storage charges accrued as a result of the owner or keeper's reliance upon statements or representations made by the owner or lienholder of the motor vehicle or as a result of the owner or keeper's good faith efforts to negotiate the return of such motor vehicle to its owner or to a lienholder.

[(h)] (j) The garage owner or keeper shall report the sales price, storing, towing and repair charges, if any; buyer's name and address; identification of the vehicle and such other information as may be required in regulations which shall be adopted by the commissioner in accordance with the provisions of chapter 54, to the commissioner within fifteen days after the sale of the motor vehicle. The proceeds of such sale, after deducting the amount due such garage owner or keeper and all expenses connected with such sale, including the expenses of the officer who placed such motor vehicle in storage, shall be paid to the owner of such motor vehicle or such owner's legal representatives, if claimed by such owner or them at any time within one year from the date of such sale. If such balance is not claimed within said period, it shall escheat to the state.



[(i) If the owner of such motor vehicle placed in storage in accordance with the provisions of this section does not claim such motor vehicle within thirty days, the owner of such garage or other place of storage shall, within forty days of the date such motor vehicle was placed in storage with such owner, send a written notice to the commissioner, stating the make and vehicle identification number of such motor vehicle, the date such motor vehicle was left with such owner for storage and by whom and the registration number thereof if any number plates are on such motor vehicle, which notice shall be placed on file by the commissioner and shall be subject to public inspection. The fee for filing such notice shall be five dollars. Any sale under the provisions of this section shall be void, unless the notice required by this section has been given to the commissioner.]

[(j)] (k) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with the provisions of chapter 54, (1) specifying the circumstances under which title to any motor vehicle abandoned within the limits of any highway may be transferred to any person, firm or corporation towing such vehicle, and (2) establishing the procedure whereby such person, firm or corporation may obtain title to such motor vehicle. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, specifying the circumstances under which the owner of a campground may dispose of a motor home or recreational vehicle abandoned on such owner's property and establishing procedures governing such disposal.

Sec. 19. Section 42-160 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) The owner of a self-service storage facility shall have a lien upon all personal property located at such facility for the amounts of any rent, labor or other valid charges incurred in relation to such personal property, for any valid expenses incurred in the necessary preservation of such personal property and for any expenses reasonably incurred in the sale or other disposition of such personal property pursuant to law. Such lien attaches on the date of default by the occupant. Notwithstanding the provisions of section 42a-9-333 such lien shall not have priority over a lien or security interest which has attached or been perfected prior to such default.

(b) If such personal property is a motor vehicle, the owner of a self-service storage facility shall contact the Department of Motor Vehicles in such manner as the commissioner shall prescribe for the purposes of determining the existence and identity of any lienholder and the name and address of the owner of the motor vehicle, as shown in the records of the department. The owner of a self-storage facility shall send a written notice to the Commissioner of Motor Vehicles stating (1) the vehicle identification number of such motor vehicle, (2) the date such motor vehicle was left with the owner of such storage facility, (3) the date of default by the occupant, (4) the amount for which a lien is claimed, (5) the



registration thereof if any number plates are on the motor vehicle, and (6) the name of the vehicle's owner and the name of the occupant who defaulted, and shall enclose a fee of twenty-five dollars. Such notice shall be placed on file by the Commissioner of Motor Vehicles and be open to public inspection. Within ten days of receipt of such information concerning any lienholder and the owner of such motor vehicle, as shown in said department's records, the owner of such self-service storage facility shall send a written notice to any such lienholder and to the owner, if such owner is not the occupant, by postage paid registered or certified letter, return receipt requested, stating that such motor vehicle (A) is being held by such facility owner, and (B) has a lien attached pursuant to this chapter. Any sale of a motor vehicle under the provisions of this section shall be void unless the written notice to the commissioner required by this subsection has been given.

(c) The Commissioner of Motor Vehicles shall adopt regulations in accordance with the provisions of chapter 54, (1) to specify the circumstances under which title to any motor vehicle abandoned at a self-storage facility may be transferred, and (2) to establish a procedure whereby the owner of a self-storage facility may obtain title to such motor vehicle.

(d) If such personal property is a vessel, the owner of a self-service storage facility shall follow the requirements of sections 49-55 to 49-59, inclusive.

Sec. 20. Subsection (b) of section 49-61 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(b) If the property is a motor vehicle and if no application that the lien be dissolved upon such substitution of a bond is made within thirty days of the date of the completion of the work upon the property by the bailor for hire, the bailee shall immediately send a written notice to the Commissioner of Motor Vehicles, stating the vehicle identification number thereof, the date the motor vehicle was left with such bailee, the date the work was completed, the amount for which a lien is claimed, the registration thereof if any number plates are on the motor vehicle and the name of the owner or person who authorized the work to be done, and shall enclose a fee of twenty-five dollars. Such notice shall be placed on file by the Commissioner of Motor Vehicles and be open to public inspection. Upon approval by the commissioner of the notice of intent to sell, the commissioner shall issue the bailee an Affidavit of Compliance that such bailee shall provide to the purchaser at the time of sale. Any request for a duplicate Affidavit of Compliance issued by the commissioner shall be accompanied by a fee of twenty-five dollars. Except for the thirty-day period immediately following completion of the work on such motor vehicle, the commissioner may limit the number of days that a bailee may charge for the storage of the motor vehicle prior to the time that the bailee files such notice with the commissioner unless the bailee provides evidence to the commissioner sufficient to show that the storage charges accrued as a result of the bailee's reliance upon statements or representations made by the bailor or as the result of the bailee's



good faith efforts to negotiate the return of such motor vehicle to the bailor. If the motor vehicle is subject to a security interest, the commissioner, within ten days of receipt of such notice, shall send the bailee the name and address of any lienholder as recorded on the certificate of title. Within ten days of receipt of such information relative to any lienholder, the bailee shall mail written notice to each lienholder by certified mail, return receipt requested, stating that the motor vehicle is being held by such bailee and has a lien upon it for repair and storage charges. Any sale under the provisions of this section shall be void unless the notice required in this section has been given to said commissioner, if the property is a motor vehicle.