



General Assembly

February Session, 2000

Raised Bill No. 5130

LCO No. 569

Referred to Committee on Judiciary

Introduced by:
(JUD)

An Act Concerning Court Operations.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 51-81d of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (b) The Commissioner of Revenue Services or designee shall collect
4 any fee established pursuant to subsection (a) of this section, record
5 such payments with the State Comptroller and deposit such payments
6 promptly with the State Treasurer, who shall credit such payments to
7 the Client Security Fund. The Treasurer shall maintain the Client
8 Security Fund separate and apart from all other moneys, funds and
9 accounts (b) The Commissioner of Revenue Services shall collect any
10 fee established pursuant to subsection (a) of this section, record such
11 payments with the State Comptroller and deposit such payments
12 promptly with the State Treasurer, who shall credit such payments to
13 the Client Security Fund. The Treasurer shall maintain the Client
14 Security Fund separate and apart from all other moneys, funds and
15 accounts and shall credit any interest earned from the client security
16 fund to the fund. Any interest earned from the fund during the period
17 from its inception to the effective date of this act shall be retroactively

18 credited to the fund.

19 Sec. 2. Section 7-412 of the general statutes is repealed and the
20 following is substituted in lieu thereof:

21 All rules made as herein provided and all changes therein shall be
22 printed forthwith for distribution by such board, and the board shall
23 give public notice of the place or places where copies of such rules may
24 be obtained. In each such publication shall be specified the date, not
25 less than ten days subsequent to the date of such publication, when
26 such rules shall take effect. The rules affecting any test shall in no case
27 be changed after the publication of notice of such test. [Copies of all
28 such rules and of all changes therein, certified by the secretary of the
29 board, shall be filed with the clerk of the superior court for the
30 appropriate judicial district, within ten days after the adoption thereof,
31 and shall be filed, preserved and indexed by such clerk.]

32 Sec. 3. Subsection (f) of section 7-152b of the general statutes is
33 repealed and the following is substituted in lieu thereof:

34 (f) If such assessment is not paid on the date of its entry, the hearing
35 officer shall send by first class mail a notice of the assessment to the
36 person found liable and shall file, not less than thirty days nor more
37 than twelve months after such mailing, a certified copy of the notice of
38 assessment with the clerk of [the superior court for the geographical
39 area] a superior court facility designated by the chief court
40 administrator within the boundaries of the judicial district in which
41 the town, city or borough is located together with an entry fee of eight
42 dollars. The certified copy of the notice of assessment shall constitute a
43 record of assessment. Within such twelve-month period, assessments
44 against the same person may be accrued and filed as one record of
45 assessment. The clerk shall enter judgment, in the amount of such
46 record of assessment and court costs of eight dollars, against such
47 person in favor of the town, city or borough. Notwithstanding any
48 other provision of the general statutes, the hearing officer's assessment,
49 when so entered as a judgment, shall have the effect of a civil money

50 judgment and a levy of execution on such judgment may issue without
51 further notice to such person.

52 Sec. 4. subsection (f) of section 7-152c of the general statutes is
53 repealed and the following is substituted in lieu thereof:

54 (f) If such assessment is not paid on the date of its entry, the hearing
55 officer shall send by first class mail a notice of the assessment to the
56 person found liable and shall file, not less than thirty days nor more
57 than twelve months after such mailing, a certified copy of the notice of
58 assessment with the clerk of [the superior court for the geographical
59 area] a superior court facility designated by the chief court
60 administrator within the boundaries of the judicial district in which the
61 municipality is located together with an entry fee of eight dollars. The
62 certified copy of the notice of assessment shall constitute a record of
63 assessment. Within such twelve-month period, assessments against the
64 same person may be accrued and filed as one record of assessment.
65 The clerk shall enter judgment, in the amount of such record of
66 assessment and court costs of eight dollars, against such person in
67 favor of the municipality. Notwithstanding any other provision of the
68 general statutes, the hearing officer's assessment, when so entered as a
69 judgment, shall have the effect of a civil money judgment and a levy of
70 execution on such judgment may issue without further notice to such
71 person.

72 Sec. 5. Subsection (c) of section 52-59b of the general statutes, as
73 amended by section 4 of public act 99-160, is repealed and the
74 following is substituted in lieu thereof:

75 (c) Any nonresident individual, foreign partnership or the executor
76 or administrator of such nonresident individual or foreign partnership,
77 over whom a court may exercise personal jurisdiction, as provided in
78 subsection (a), shall be deemed to have appointed the Secretary of the
79 State as its attorney and to have agreed that any process in any civil
80 action brought against the nonresident individual or foreign
81 partnership, or the executor or administrator of such nonresident

82 individual or foreign partnership, may be served upon the Secretary of
83 the State and shall have the same validity as if served upon the
84 nonresident individual or foreign partnership personally. The process
85 shall be served by the officer to whom the same is directed upon the
86 Secretary of the State by leaving with or at the office of the Secretary of
87 the State, at least twelve days before the return day of such process, a
88 true and attested copy thereof, and by sending to the defendant at the
89 defendant's last-known address, by registered or certified mail,
90 postage prepaid, return receipt requested, a like true and attested copy
91 with an endorsement thereon of the service upon the Secretary of the
92 State. The officer serving such process upon the Secretary of the State
93 shall leave with the Secretary of the State, at the time of service, a fee of
94 twenty-five dollars, which fee shall be taxed in favor of the plaintiff in
95 the plaintiff's costs if the plaintiff prevails in any such action. The
96 Secretary of the State shall keep a record of each such process and the
97 day and hour of service.

98 Sec. 6. Subsection (a) of section 52-549a of the general statutes is
99 repealed and the following is substituted in lieu thereof:

100 (a) In any small claims action, the parties may, by agreement,
101 submit such matter to a commissioner of the Superior Court chosen on
102 a rotating basis by the clerk of the court to which such small claim is
103 returned, from a list of such commissioners approved by the Chief
104 Court Administrator, in accordance with section 52-549d, and
105 submitted to the parties by the clerk in the [geographical] small claims
106 area in which such matter is filed. If the parties fail to agree on the first
107 commissioner so chosen, the clerk shall choose another upon whom
108 the parties may agree on such rotating basis.

109 Sec. 7. Subsection (a) of section 52-549d of the general statutes is
110 repealed and the following is substituted in lieu thereof:

111 (a) Any commissioner of the Superior Court, admitted to practice in
112 this state for at least two years, who is able and willing to hear small
113 claims, may submit his name to the clerk of the superior court for any

114 [geographical] small claims area in which the commissioner may have
115 a law office or in which he is convenient and available to the litigants
116 and counsel of the [geographical] small claims area. The name shall be
117 submitted to the Chief Court Administrator for approval to be placed
118 on a list of available commissioners in any [geographical] small claims
119 area for hearing of small claims. The approved name shall thereupon
120 be returned to the clerk who shall maintain a list of all approved
121 names.

122 Sec. 8. Subsection (g) of section 51-345 of the general statutes is
123 repealed and the following is substituted in lieu thereof:

124 (g) In small claims matters, civil process shall be made returnable to
125 a Superior Court facility designated by the Chief Court Administrator
126 to serve the small claims area within the boundaries of the judicial
127 district where the plaintiff resides or is doing business, where the
128 defendant resides or is doing business or where the transaction or
129 injury occurred. If the plaintiff is either a domestic corporation, United
130 States corporation, a foreign corporation or a limited liability company,
131 civil process shall be made returnable to a Superior Court facility
132 designated by the Chief Court Administrator to serve the small claims
133 area within the boundaries of the judicial district where the defendant
134 resides or where the transaction or injury occurred.

135 Sec. 9. Subdivision (2) of subsection (b) of section 21-80 of the
136 general statutes is repealed and the following is substituted in lieu
137 thereof:

138 (2) An owner may not maintain a summary process action under
139 subparagraph (B), (C) or (D) of subdivision (1) of this subsection,
140 except a summary process action based upon conduct which
141 constitutes a serious nuisance or a violation of subdivision (9) of
142 subsection (b) of section 21-82, prior to delivering a written notice to
143 the resident specifying the acts or omissions constituting the breach
144 and that the rental agreement shall terminate upon a date not less than

145 [thirty] fifteen days after receipt of the notice. If such breach can be
146 remedied by repair by the resident or payment of damages by the
147 resident to the owner and such breach is not so remedied within
148 [twenty-one days] such fifteen-day period, the rental agreement shall
149 terminate except that (i) if the breach is remediable by repairs or the
150 payment of damages and the resident adequately remedies the breach
151 within said [twenty-one-day] fifteen-day period, the rental agreement
152 shall not terminate, or (ii) if substantially the same act or omission for
153 which notice was given recurs within six months, the owner may
154 terminate the rental agreement in accordance with the provisions of
155 sections 47a-23 to 47a-23b, inclusive. For the purposes of this
156 subdivision, "serious nuisance" means (A) inflicting bodily harm upon
157 another resident or the owner or threatening to inflict such harm with
158 the present ability to effect the harm and under circumstances which
159 would lead a reasonable person to believe that such threat will be
160 carried out, (B) substantial and wilful destruction of part of the
161 premises, (C) conduct which presents an immediate and serious
162 danger to the safety of other residents or the owner, or (D) using the
163 premises for prostitution or the illegal sale of drugs. If the owner elects
164 to evict based upon an allegation, pursuant to subdivision (8) of
165 subsection (b) of section 21-82, that the resident failed to require other
166 persons on the premises with his consent to conduct themselves in a
167 manner that will not constitute a serious nuisance, and the resident
168 claims to have had no knowledge of such conduct, then, if the owner
169 establishes that the premises have been used for the illegal sale of
170 drugs, the burden shall be on the resident to show that he had no
171 knowledge of the creation of the serious nuisance.

172 Sec. 10. Subsection (c) of section 52-605 of the general statutes is
173 repealed and the following is substituted in lieu thereof:

174 (c) Within thirty days after the filing of the judgment and the
175 certificate, the judgment creditor shall mail notice of filing of the
176 foreign judgment by registered or certified mail, return receipt
177 requested, to the judgment debtor at his last-known address. The

178 proceeds of an execution shall not be distributed to the judgment
179 creditor earlier than thirty days after filing of proof of service with the
180 clerk of the court.

181 Sec. 11. Section 52-606 of the general statutes is repealed and the
182 following is substituted in lieu thereof:

183 (a) If the judgment debtor shows the court that an appeal from the
184 foreign judgment is pending or will be taken, or that a stay of
185 execution has been granted, the court shall stay enforcement of the
186 foreign judgment until the appeal is concluded, the time for appeal
187 expires or the stay of execution expires or is vacated, upon proof that
188 the judgment debtor has furnished the security for the satisfaction of
189 the judgment required by the state in which it was rendered. The
190 judgment debtor shall provide notice of the stay of enforcement to the
191 judgment creditor.

192 (b) If the judgment debtor shows the court any ground upon which
193 enforcement of a judgment of a court of this state would be stayed, the
194 court shall stay enforcement of the judgment for an appropriate
195 period, upon requiring the same security for satisfaction of the
196 judgment as is required in this state. The judgment debtor shall
197 provide notice of the stay of enforcement to the judgment creditor.

198 Sec. 12. This act shall take effect from its passage, except sections 4,
199 5, 7, 8 and 9 shall take effect September 1, 2000, and sections 2, 3, 6, 10
200 and 11 shall take effect on October 1, 2000.

Statement of Purpose:

To make technical changes regarding venue for administrative appeals and small claims; to provide that any interest generated by the Client Security fund be credited to that fund; to delete the requirement that Civil Service Rules and Regulations be filed, preserved and indexed by court clerks; to require a return receipt for service of process by mail on nonresident individuals and foreign corporations; to conform the language of section 21-80 to changes made in 1997 to section 47a-15; and to require additional notices in foreign judgment collection cases.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]