



Senate

General Assembly

File No. 199

February Session, 2002

Substitute Senate Bill No. 314

Senate, March 27, 2002

The Committee on Planning and Development reported through SEN. DAILY of the 33rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING WITNESSES FOR CONVEYANCES AND DOCUMENTS RECORDED ON THE LAND RECORDS.

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

1 Section 1. Section 47-5 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) All conveyances of land shall be: (1) In writing; (2) if the grantor
4 is a natural person, subscribed, with or without a seal, by the grantor
5 with his own hand or with his mark with his name annexed to it or by
6 his attorney authorized for that purpose by a power executed,
7 acknowledged [and witnessed] in the manner provided for
8 conveyances or, if the grantor is a corporation, limited liability
9 company or partnership, subscribed by a duly authorized person; and
10 (3) acknowledged by the grantor, his attorney or such duly authorized
11 person to be his free act and deed. [; and (4) attested to by two
12 witnesses with their own hands.]

13 (b) In addition to the requirements of subsection (a), the execution
14 of a deed or other conveyance of real property pursuant to a power of
15 attorney shall be deemed sufficient if done in substantially the
16 following form:

17 Name of Owner of Record
18 By: (Signature of Attorney-in-Fact) L.S.
19 Name of Signatory
20 His/Her Attorney-in-Fact

21 (c) Nothing in subsection (b) of this section precludes the use of any
22 other legal form of execution of deed or other conveyance of real
23 property.

24 Sec. 2. Section 45a-562 of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective October 1, 2002*):

26 (a) The subsequent disability or incompetence of a principal shall
27 not revoke or terminate the authority of any person who acts under a
28 power of attorney in a writing executed by the principal, if the writing
29 contains the words "this power of attorney shall not be affected by the
30 subsequent disability or incompetence of the principal," or words of
31 similar import showing the intent of the principal that the authority
32 conferred shall be exercisable notwithstanding the principal's
33 subsequent disability or incompetence; provided the power of attorney
34 is executed [and witnessed] in the same manner as provided for deeds
35 in section 47-5, as amended by this act.

36 (b) If a conservator of the estate of the principal is appointed after
37 the occurrence of the disability or incompetence referred to in
38 subsection (a) of this section, the power of attorney shall cease at the
39 time of the appointment, and the person acting under the power of
40 attorney shall account to the conservator rather than to the principal.

41 Sec. 3. Section 42-116t of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective October 1, 2002*):

43 (a) No person, except an artist who owns and possesses a work of

44 fine art which the artist has created, shall intentionally commit, or
45 authorize the intentional commission of, any physical defacement or
46 alteration of a work of fine art.

47 (b) The artist shall retain at all times the right to claim authorship.

48 (c) To effectuate the rights created by section 42-116s and this
49 section, the artist may commence an action to recover or obtain any of
50 the following: (1) Injunctive relief, (2) actual damages, (3) reasonable
51 attorney's and expert witness fees, and (4) any other relief which the
52 court deems proper.

53 (d) The rights and duties created under section 42-116s and this
54 section: (1) Shall, with respect to the artist, or if any artist is deceased,
55 his heir, legatee or designated personal representative, exist until the
56 fiftieth anniversary of the death of such artist, (2) shall exist in addition
57 to any other rights and duties which may be applicable on or after
58 October 1, 1988, and (3) except as provided in subsection (e) may not
59 be waived except by an instrument in writing expressly so providing
60 which is signed by the artist.

61 (e) If a work of fine art cannot be removed from a building without
62 substantial physical defacement or alteration of such work, the rights
63 and duties created under this section, unless expressly reserved by an
64 instrument in writing signed by the owner of such building executed
65 [and witnessed] in the same manner provided for deeds in section 47-
66 5, as amended by this act, and properly recorded, shall be deemed
67 waived. Such instrument, if properly recorded, shall be binding on
68 subsequent owners of such building.

69 (f) No action may be maintained to enforce any liability under
70 section 42-116s and this section unless brought within three years of
71 the act complained of or one year after discovery of such act,
72 whichever is longer, except that no action may be brought more than
73 ten years from the date of the act complained of.

74 (g) The provisions of section 42-116s and this section shall apply to

75 works of art created on or after October 1, 1988.

76 Sec. 4. Section 7-24 of the general statutes is amended by adding
77 subsection (f) as follows (*Effective October 1, 2002*):

78 (NEW) (f) The town clerk is not required to receive for record any
79 instrument or document for recording on the land records unless there
80 is a blank space one inch in width around the outer edges of such
81 instrument or document.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>

PD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill eliminates the requirement that land conveyances filed with town clerks be witnessed. This would have no fiscal impact since there are no witness fees.

OLR Bill Analysis

sSB 314

AN ACT CONCERNING WITNESSES FOR CONVEYANCES AND DOCUMENTS RECORDED ON THE LAND RECORDS**SUMMARY:**

This bill eliminates the witness requirement for executing deeds or other land conveyances whether the grantor or seller is an individual, a corporation, a limited liability company, or a partnership. Current law requires conveyances by (1) an individual or his representative with power of attorney to have one witness and (2) a corporation, a limited liability company, or a partnership to have two witnesses. The law continues to require that conveyances be in writing, signed by the seller or his representative, and acknowledged.

It also removes the witness requirement when anyone establishes a durable power of attorney (a power of attorney that remains in effect during the grantor's disability or incompetency) or a written instrument to prohibit the waiver of an artist's rights regarding his own fine art. The witness requirements in both of these documents were modeled on the current conveyance law.

The bill also authorizes a town clerk to refuse any document for recording in the town land record if it does not have a blank one-inch wide border around the outer edge.

EFFECTIVE DATE: October 1, 2002

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 17 Nay 0