



General Assembly

Amendment

February Session, 2002

LCO No. 4089

SB0002004089SD0

Offered by:
SEN. CIOTTO, 9th Dist.

To: Subst. Senate Bill No. 20

File No. 448

Cal. No. 279

"AN ACT REVISING CERTAIN MOTOR VEHICLE LAWS."

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- 1 In line 555, strike "past or present"
- 2 In line 557, strike "," after "rebuilt", insert "or" before "damaged" and
3 after "flood," strike "or is"
- 4 In line 558, strike "unrepairable,"
- 5 In line 1055, strike "dealer" and substitute "dealer's" in lieu thereof
- 6 Strike lines 1269 to 1273, inclusive, in their entirety and substitute
7 the following in lieu thereof:
- 8 "violated any provision of any statute or regulation of any state or
9 any federal statute or regulation pertaining to [his] its business as a
10 licensee or has failed to comply with the terms of a final decision and
11 order of any state department or federal agency concerning any such
12 provision; or (2) has failed to maintain such records of"
- 13 In line 3013, after "shall" insert ", for a first violation,"

14 Strike lines 3014 to 3020, inclusive, in their entirety and substitute
15 the following in lieu thereof:

16 "committed an infraction. (2) The commissioner may impose a civil
17 penalty on any person for a second or subsequent violation of the
18 provisions of this section or any regulations adopted under this section
19 if the acts or conduct on which the conviction is based arise out of the
20 operation of a motor vehicle in intrastate commerce and would, if such
21 acts or conduct had occurred with respect to operation of a motor
22 vehicle in interstate commerce, have subjected such person to a civil
23 penalty under the provisions of the Code of Federal Regulations, Title
24 49, Parts 382, 383 and 385 to 397, inclusive, as amended. The
25 commissioner may adopt regulations, in accordance with the
26 provisions of chapter 54, to specify the amount of such civil penalty
27 provided such amount shall not exceed the amount specified for the
28 comparable violation under the applicable federal regulations, or ten
29 thousand dollars, whichever is less. Any person notified of the
30 assessment of a civil penalty under the provisions of this subsection
31 shall be entitled to an opportunity for an administrative hearing in
32 accordance with the provisions of chapter 54. If any person fails to
33 comply with the terms of a final decision and order of the
34 commissioner made pursuant to this subsection, the commissioner
35 may suspend any motor vehicle registration issued to such person or
36 such person's privilege to register any motor vehicle in this state until
37 such person complies with the terms of such final decision and order."

38 Strike lines 3502 to 3510, inclusive, in their entirety and substitute
39 the following in lieu thereof:

40 "(d) Upon the arrest of any person who holds an operator's license
41 bearing a school endorsement charged with a felony or violation of
42 section 53a-73a, the arresting officer or department, within forty-eight
43 hours, shall cause a report of such arrest to be made to the
44 commissioner. The report shall be made on a form approved by the
45 commissioner containing such information as the commissioner
46 prescribes."

47 After section 83, insert the following and renumber the remaining
48 sections accordingly:

49 "Sec. 84. Section 23-26a of the general statutes is repealed and the
50 following is substituted in lieu thereof (*Effective from passage*):

51 As used in sections 23-26b to 23-26g, inclusive, "all-terrain vehicle"
52 means a motorized vehicle, not suitable for operation on a highway
53 that (1) is not more than fifty inches in width, (2) has a dry weight of
54 not more than six hundred pounds, (3) travels on [three] two or more
55 [low pressure tires and] tires specifically designed for unimproved
56 terrain, (4) has a seat or saddle designed to be straddled by the
57 operator, and (5) has an engine with a piston displacement of more
58 than fifty cubic centimeters.

59 Sec. 85. Section 12-692 of the general statutes is repealed and the
60 following is substituted in lieu thereof (*Effective July 1, 2002*):

61 (a) For purposes of this section:

62 (1) "Passenger motor vehicle" means a passenger vehicle, which is
63 rented without a driver and which is part of a motor vehicle fleet of
64 five or more passenger motor vehicles that are used for rental purposes
65 by a rental company.

66 (2) "Rental truck" means a (A) vehicle rented without a driver that
67 has a gross vehicle weight rating of twenty-six thousand pounds or
68 less and used in the transportation of personal property but not for
69 business purposes, or (B) trailer that has a gross vehicle weight rating
70 of not more than six thousand pounds.

71 [(2)] (3) "Rental company" means any business entity that is engaged
72 in the business of renting passenger motor vehicles or rental trucks
73 without a driver in this state to lessees and that uses for rental
74 purposes a motor vehicle fleet of five or more passenger motor
75 vehicles or rental trucks in this state, but does not mean any person,
76 firm or corporation that is licensed, or required to be licensed,

77 pursuant to section 14-52, (A) as a new car dealer, repairer or limited
78 repairer or (B) as a used car dealer that is not primarily engaged in the
79 business of renting passenger motor vehicles or rental trucks without a
80 driver in this state to lessees.

81 [(3)] (4) "Lessee" means any person who leases a passenger motor
82 vehicle or rental truck from a rental company for such person's own
83 use and not for rental to others.

84 (b) There is hereby imposed a three per cent surcharge on each
85 passenger motor vehicle or rental truck rented within the state by a
86 rental company to a lessee for a period of less than thirty-one days. The
87 rental surcharge shall be imposed on the total amount the rental
88 company charges the lessee for the rental of a motor vehicle. Such
89 surcharge shall be in addition to any tax otherwise applicable to any
90 such transaction and shall be includable in the measure of the sales
91 and use taxes imposed under chapter 219.

92 (c) Reimbursement for the surcharge imposed by subsection (b) of
93 this section shall be collected by the rental company from the lessee
94 and such surcharge reimbursement, termed "surcharge" in this
95 subsection, shall be paid by the lessee to the rental company and each
96 rental company shall collect from the lessee the full amount of the
97 surcharge imposed by said subsection (b). Such surcharge shall be a
98 debt from the lessee to the rental company, when so added to the
99 original lease or rental price, and shall be recoverable at law in the
100 same manner as other debts. The rental contract shall separately
101 indicate the rental surcharge imposed on each passenger motor vehicle
102 or truck rental. The rental surcharge shall, subject to the provisions of
103 subsection (d) of this section, be retained by the rental company.

104 (d) (1) On or before February 15, 1997, and the fifteenth of February
105 annually thereafter, each rental company shall file a report with the
106 Commissioner of Revenue Services detailing the aggregate amount of
107 personal property tax that is actually paid by such company to a
108 Connecticut municipality or municipalities during the preceding

109 calendar year on passenger motor vehicles or rental trucks that are
110 used for rental purposes by such company, the aggregate amount of
111 registration and titling fees that are actually paid by such company to
112 the Department of Motor Vehicles of this state during the preceding
113 calendar year on passenger motor vehicles or rental trucks that are
114 used for rental purposes by such company and the aggregate amount
115 of the rental surcharge that is actually received, pursuant to this
116 section, by such company during the preceding calendar year on
117 passenger motor vehicles or rental trucks that are used for rental
118 purposes by such company. The report shall also show such other
119 information as the commissioner deems necessary for the proper
120 administration of this section.

121 (2) On or before February 15, 1997, and the fifteenth of February
122 annually thereafter, each rental company shall remit to the
123 Commissioner of Revenue Services for deposit in the General Fund,
124 the amount by which the aggregate amount of the rental surcharge
125 actually received by such company on such vehicles during the
126 preceding calendar year exceeds the sum of the aggregate amount of
127 property taxes actually paid by such company on such vehicles to a
128 Connecticut municipality or municipalities during the preceding
129 calendar year and the aggregate amount of registration and titling fees
130 actually paid by such company on such vehicles to the Department of
131 Motor Vehicles of this state during the preceding calendar year.

132 (3) For purposes of this subsection, in the case of any rental
133 company that leases a passenger motor vehicle or rental truck from
134 another person and that uses such vehicle for rental purposes and such
135 lease requires such rental company to pay the registration and titling
136 fees and the property taxes to such other person, the rental company
137 shall include (A) in the aggregate amount of registration and titling
138 fees actually paid by such rental company to the Department of Motor
139 Vehicles of this state, any such registration and titling fees actually
140 paid by such rental company to such other person on such passenger
141 motor vehicle or rental truck, and (B) in the aggregate amount of
142 property taxes actually paid by such rental company to a Connecticut

143 municipality or municipalities, any such property taxes actually paid
144 by such rental company to such other person on such passenger motor
145 vehicle or vehicles or rental truck or trucks.

146 (e) Any person who fails to pay any amount required to be paid to
147 the Commissioner of Revenue Services under this section within the
148 time required shall pay a penalty of fifteen per cent of such amount or
149 fifty dollars, whichever amount is greater, in addition to such amount,
150 plus interest at the rate of one per cent per month or fraction thereof
151 from the due date of such amount until the date of payment. Subject to
152 the provisions of section 12-3a, the commissioner may waive all or any
153 part of the penalties provided under this section when it is proven to
154 the satisfaction of the commissioner that the failure to pay any amount
155 required to be paid to the commissioner was due to reasonable cause
156 and was not intentional or due to neglect.

157 (f) The Commissioner of Revenue Services for good cause may
158 extend the time for making any report and paying any amount
159 required to be paid to the commissioner under this section if a written
160 request therefor is filed with the commissioner together with a
161 tentative report which shall be accompanied by a payment of any
162 amount tentatively believed to be due to the commissioner, on or
163 before the last day for filing the report. Any person to whom an
164 extension is granted shall pay, in addition to the amount required to be
165 paid, interest at the rate of one per cent per month or fraction thereof
166 from the date on which such amount would have been due without
167 the extension until the date of payment.

168 (g) The provisions of sections 12-548 to 12-554, inclusive, and section
169 12-555a shall apply to the provisions of this section in the same manner
170 and with the same force and effect as if the language of said sections
171 12-548 to 12-554, inclusive, and section 12-555a had been incorporated
172 in full into this section, except to the extent that any provision is
173 inconsistent with a provision in this section, and except that the term
174 "tax" shall be read as "surcharge".

175 Sec. 86. Section 13b-389 of the general statutes is repealed and the
176 following is substituted in lieu thereof (*Effective October 1, 2002*):

177 (a) No person shall operate any motor vehicle in the transportation
178 of household goods for hire as a household goods carrier without first
179 having obtained from the Commissioner of Transportation, after
180 hearing, a certificate of public convenience and necessity to so operate.

181 (b) Any person, other than a household goods carrier who has
182 obtained such certificate, who holds himself or herself out as a
183 household goods carrier with intent to obtain a benefit or to injure or
184 defraud another, shall be guilty of a class B misdemeanor."