



General Assembly

February Session, 2002

Amendment

LCO No. 3401

HB0524803401HDO

Offered by:
REP. FOX, 144th Dist.

To: Subst. House Bill No. 5248

File No. 83

Cal. No. 76

**"AN ACT CONCERNING THE UNIFORM CONSUMER LEASES
ACT."**

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- 1 In line 612, before "lease", insert "consumer"
 - 2 In line 653, strike "and guarantor"
 - 3 In line 655 strike "and"
 - 4 In line 656, strike "guarantor are" and insert "is" in lieu thereof
 - 5 In line 663, strike "and guarantor"
 - 6 In line 669, strike "and guarantor have" and insert "has" in lieu
 - 7 thereof
 - 8 In line 772, strike "the present value of"
 - 9 Strike lines 811 to 868, inclusive, in their entirety
 - 10 In line 869, strike "(f)" and insert "(e)" in lieu thereof and insert

11 "under chapter 743k of the general statutes" after "tear"

12 In line 997, strike "(a)"

13 Strike lines 1002 to 1004, inclusive, in their entirety

14 In line 1025, strike "46" and insert "49" in lieu thereof

15 In line 1030, strike "46" and insert "49" in lieu thereof

16 After line 1036, insert the following and renumber the remaining
17 sections accordingly:

18 "Sec. 46. Section 42-270 of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective July 1, 2003*):

20 As used in this section and section 42-271, as amended by this act:

21 (1) ["Lease agreement" or "lease"] "Lease" means [evidence of a
22 transfer from a retail lessor to a retail lessee of the right to possession
23 and use of a motor vehicle for a specified period exceeding four
24 months in return for consideration whether or not the lessee has the
25 option to purchase or otherwise become the owner of the motor
26 vehicle at the expiration of the agreement] a consumer lease, as defined
27 in subdivision (2) of subsection (a) of section 2 of this act, of a motor
28 vehicle, as defined in subdivision (11) of subsection (a) of section 2 of
29 this act.

30 (2) "Lessor" means a [person who enters into a lease agreement with
31 a lessee but excludes a person who is not regularly engaged in the
32 business of selling or leasing personal property] lessor, as defined in
33 subdivision (10) of subsection (a) of section 2 of this act. Lessor shall
34 include a holder, as defined in subdivision (7) of subsection (a) of
35 section 2 of this act.

36 (3) "Lessee" means a [person other than the lessor, who is liable
37 under a lease agreement] lessee, as defined in subdivision (9) of
38 subsection (a) of section 2 of this act.

39 Sec. 47. Section 42-271 of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective July 1, 2003*):

41 (a) A lessor may charge, receive or collect excess wear and tear
42 charges only if the lease sets forth reasonable standards for wear and
43 tear and any excess wear and tear charges are assessed in accordance
44 with the specified standards. These charges shall not exceed the
45 amounts stated in an itemized estimate, prepared by a motor vehicle
46 physical damage appraiser licensed under section 38a-790 or repair
47 shop licensed under section 14-52, selected by the lessor, of the
48 reasonable cost of repairs.

49 (b) Within forty-five days after the return of the leased [property]
50 motor vehicle or such earlier date as otherwise agreed by the parties,
51 the lessor shall give the lessee notice, by registered or certified mail,
52 return receipt requested, or personal delivery stating the amount of
53 excess wear and tear charges claimed and containing an itemized
54 estimate upon which they are based and indicating that the lessee may
55 contest: (1) Whether any item for which an excess wear and tear charge
56 has been claimed constitutes excess wear and tear; and (2) the amount
57 of any excess wear and tear charge. The lessor's notice shall specify the
58 names, addresses and telephone numbers of at least three persons who
59 are licensed appraisers or repair shops unaffiliated with the lessor that
60 are acceptable to the lessor. Failure to notify the lessee within the time
61 established by this subsection shall be a waiver of the lessor's right to
62 recover those charges.

63 (c) The lessee may contest whether any item for which an excess
64 wear and tear charge has been claimed constitutes excess wear and
65 tear and the amount of any excess wear and tear charge by giving the
66 lessor notice in writing within fourteen days after the lessor's notice is
67 mailed or delivered in accordance with subsection (b) of this section
68 specifying the excess wear and tear items to which [he] such lessee
69 objects.

70 (d) If the lessee gives the lessor notice in accordance with subsection

71 (c) of this section, the lessee may obtain an itemized estimate at the
72 lessee's expense from a licensed appraiser or repair shop within
73 fourteen days after the lessor's notice is mailed or delivered in
74 accordance with subsection (b) of this section. If the estimate obtained
75 by the lessee is prepared by a motor vehicle physical damage appraiser
76 licensed under section 38a-790 or repair shop licensed under section
77 14-52 specified in the lessor's notice, the lower of the two estimates
78 shall be the amount charged the lessee for excess wear and tear under
79 this section. If the estimate obtained by the lessee is prepared by a
80 motor vehicle physical damage appraiser licensed under section 38a-
81 790 or repair shop licensed under section 14-52 other than such a shop
82 or appraiser specified in the lessor's notice, the two estimates shall
83 establish the upper and lower limits of the amount charged the lessee
84 for excess wear and tear under this section.

85 (e) The lessor shall allow the licensed appraiser or repair shop
86 selected by the lessee reasonable access to the leased [property] motor
87 vehicle during the time within which the lessee may obtain an
88 appraisal. If the lessor fails to retain the leased [property] motor
89 vehicle during the time within which the lessee may obtain an
90 appraisal or fails to allow the licensed appraiser or repair shop
91 specified by the lessee the required reasonable access to the leased
92 [property] motor vehicle, the lessor's failure shall be a waiver of the
93 lessor's right to recover any charges under this section.

94 Sec. 48. Section 42-271a of the general statutes is repealed and the
95 following is substituted in lieu thereof (*Effective July 1, 2003*):

96 Sections 42-270, as amended by this act, and 42-271, as amended by
97 this act, shall apply to leases [or lease agreements] entered into on or
98 after [October 1, 1995] the effective date of this section."

99 In line 1038, strike the comma and insert "and" before "42-158g" and
100 strike ", and 42-270 to 42-271a, inclusive,"