



General Assembly

February Session, 2002

Amendment

LCO No. 3535

HB0524803535HD0

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 148, after the period, insert the following: "Nothing in this act
 - 2 shall be construed to limit or restrict in any way any rights or remedies
 - 3 which may be available to a lessee under any other statutory
 - 4 provisions or under general principles of law and equity."

 - 5 In line 612, before "lease", insert "consumer"

 - 6 In line 653, strike "and guarantor"

 - 7 In line 655 strike "and"

 - 8 In line 656, strike "guarantor are" and insert "is" in lieu thereof

 - 9 In line 663, strike "and guarantor"

 - 10 In line 669, strike "and guarantor have" and insert "has" in lieu
 - 11 thereof

- 12 In line 772, strike "the present value of"
- 13 Strike lines 811 to 868, inclusive, in their entirety
- 14 In line 869, strike "(f)" and insert "(e)" in lieu thereof and insert
15 "under chapter 743k of the general statutes" after "tear"
- 16 In line 926, strike "one year" and insert "three years" in lieu thereof
- 17 In line 929, strike "one year" and insert "three years" in lieu thereof
- 18 In line 932, strike "two years" and insert "three years" in lieu thereof
- 19 In line 997, strike "(a)"
- 20 Strike lines 1002 to 1004, inclusive, in their entirety
- 21 In line 1025, strike "46" and insert "49" in lieu thereof
- 22 In line 1030, strike "46" and insert "49" in lieu thereof
- 23 After line 1036, insert the following and renumber the remaining
24 sections accordingly:
- 25 "Sec. 46. Section 42-270 of the general statutes is repealed and the
26 following is substituted in lieu thereof (*Effective July 1, 2003*):
- 27 As used in this section and section 42-271, as amended by this act:
- 28 (1) ["Lease agreement" or "lease"] "Lease" means [evidence of a
29 transfer from a retail lessor to a retail lessee of the right to possession
30 and use of a motor vehicle for a specified period exceeding four
31 months in return for consideration whether or not the lessee has the
32 option to purchase or otherwise become the owner of the motor
33 vehicle at the expiration of the agreement] a consumer lease, as defined
34 in subdivision (2) of subsection (a) of section 2 of this act, of a motor
35 vehicle, as defined in subdivision (11) of subsection (a) of section 2 of
36 this act.
- 37 (2) "Lessor" means a [person who enters into a lease agreement with

38 a lessee but excludes a person who is not regularly engaged in the
39 business of selling or leasing personal property] lessor, as defined in
40 subdivision (10) of subsection (a) of section 2 of this act. Lessor shall
41 include a holder, as defined in subdivision (7) of subsection (a) of
42 section 2 of this act.

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

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

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

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

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

77 (d) If the lessee gives the lessor notice in accordance with subsection
78 (c) of this section, the lessee may obtain an itemized estimate at the
79 lessee's expense from a licensed appraiser or repair shop within
80 fourteen days after the lessor's notice is mailed or delivered in
81 accordance with subsection (b) of this section. If the estimate obtained
82 by the lessee is prepared by a motor vehicle physical damage appraiser
83 licensed under section 38a-790 or repair shop licensed under section
84 14-52 specified in the lessor's notice, the lower of the two estimates
85 shall be the amount charged the lessee for excess wear and tear under
86 this section. If the estimate obtained by the lessee is prepared by a
87 motor vehicle physical damage appraiser licensed under section 38a-
88 790 or repair shop licensed under section 14-52 other than such a shop
89 or appraiser specified in the lessor's notice, the two estimates shall
90 establish the upper and lower limits of the amount charged the lessee
91 for excess wear and tear under this section.

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

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

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

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