



General Assembly

Substitute Bill No. 5917

January Session, 2003

AN ACT CONCERNING MUNICIPAL PARKING REGULATIONS.

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

1 Section 1. Subparagraph (B) of subdivision (7) of subsection (c) of
2 section 7-148 of the general statutes is repealed and the following is
3 substituted in lieu thereof (*Effective October 1, 2003*):

4 (B) (i) Regulate and prohibit, in a manner not inconsistent with the
5 general statutes, traffic, the operation of vehicles on streets and
6 highways, off-street parking and on-street residential neighborhood
7 parking areas in which on-street parking is limited to residents of a
8 given neighborhood, as determined by the municipality;

9 (ii) Regulate the speed of vehicles, subject to the provisions of the
10 general statutes relating to the regulation of the speed of motor
11 vehicles and of animals, and the driving or leading of animals through
12 the streets;

13 (iii) Authorize parking authorities to enforce parking regulations.

14 Sec. 2. Section 7-204 of the general statutes is repealed and the
15 following is substituted in lieu thereof (*Effective October 1, 2003*):

16 Such parking authority or parking division shall have the power, in
17 the name of the municipality, to (1) create, establish, and expand
18 wherever built by such municipality, off-street parking facilities; (2)

19 acquire by purchase, gift, devise, lease or condemnation, subject to the
20 provisions of section 48-6, real property or any interest therein
21 necessary for or incidental to the construction, maintenance, operation,
22 or expansion of off-street parking facilities, provided such authority
23 shall not be empowered to take by eminent domain any property from
24 a corporation which has the right of eminent domain, and this chapter
25 shall not affect the powers of eminent domain of any such corporation;
26 prepare necessary plans and drawings; (3) construct or cause to be
27 constructed parking facilities; (4) maintain and operate parking
28 facilities; (5) establish and collect reasonable off-street parking fees; (6)
29 give, grant or sell any real property owned by such parking authority
30 to the municipality; dedicate any real property owned by such parking
31 authority to the public purposes for a street or highway; [and] (7) lease
32 parking facilities or such expanded parking facilities as may be
33 provided, and already subject to lease, to any public agency,
34 individual, firm, corporation or hospital, as defined by subsection (b)
35 of section 19a-490, upon such terms and conditions as the public
36 interest may warrant; and (8) enforce parking regulations in the
37 municipality in accordance with the terms of an ordinance adopted by
38 the municipality.

39 Sec. 3. Section 7-207a of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective October 1, 2003*):

41 Any municipality may, by ordinance, (1) authorize its parking
42 authority or parking division to collect and receive all revenue from
43 parking meters located on public streets in the municipality or to
44 establish metered on-street parking zones, and (2) authorize its
45 parking authority to receive the amount remitted to the municipality
46 for parking violations under subsection (b) of section 51-56a. All
47 existing parking meters, upon the adoption of such ordinance, shall
48 become the property of the parking authority or parking division and
49 such authority or division shall succeed to all the obligations of such
50 municipality relative to payment for such meters. The revenues from
51 such meters shall be used by such authority or division for the
52 regulation and control of the parking of vehicles in parking meter on-

53 street and off-street zones, for the cost of purchase, installation,
54 operation, inspection, supervision and maintenance of parking meters,
55 for acquiring, operating and maintaining off-street parking facilities
56 and to fulfill pledges made under the provisions of section 7-206 for
57 the payment of bonds.

58 Sec. 4. Section 14-150 of the general statutes is repealed and the
59 following is substituted in lieu thereof (*Effective October 1, 2003*):

60 (a) Any person who abandons any motor vehicle within the limits of
61 any highway or upon property other than such person's own without
62 the consent of the owner thereof for a period longer than twenty-four
63 hours shall have committed an infraction and shall be fined not less
64 than eighty-five dollars. The last owner of record of a motor vehicle
65 found abandoned, as shown by the files of the Department of Motor
66 Vehicles, shall be deemed prima facie to have been the owner of such
67 motor vehicle at the time it was abandoned and the person who
68 abandoned the same or caused or procured its abandonment.

69 (b) Any inspector of the Department of Motor Vehicles, any officer
70 attached to an organized police department, any enforcement officer of
71 a parking authority authorized to enforce parking regulations in the
72 municipality in which it is located or any state police officer upon
73 discovery of any motor vehicle, whether situated within or without
74 any highway of this state, which is a menace to traffic or public health
75 or safety, shall take such motor vehicle into such inspector's or officer's
76 custody and cause the same to be taken to and stored in a suitable
77 place.

78 (c) Any inspector of the Department of Motor Vehicles, any officer
79 attached to an organized police department, any enforcement officer of
80 a parking authority authorized to enforce parking regulations in the
81 municipality in which it is located or any state police officer, upon
82 discovery of any motor vehicle apparently abandoned or a motor
83 vehicle without proper registration, whether situated within or
84 without any highway of this state, shall affix to such motor vehicle a

85 notification sticker in a manner so as to be readily visible. This
86 notification sticker shall contain the following information: (1) The
87 date and time the notification sticker was affixed to the motor vehicle;
88 (2) a statement that pursuant to this section, if the motor vehicle is not
89 removed within twenty-four hours of the time the sticker was affixed,
90 it shall be taken into custody and stored at the owner's expense; (3) the
91 location and telephone number where additional information may be
92 obtained; and (4) the identity of the affixing officer. If the motor vehicle
93 is not removed within such twenty-four-hour period, the affixing
94 department or parking authority shall take such motor vehicle into its
95 custody and cause the same to be stored in a suitable place, except that
96 such department or parking authority shall make a reasonable attempt
97 to notify the owner of any such motor vehicle which is determined to
98 be stolen prior to taking such vehicle into its custody and shall allow
99 such owner to make arrangements for removal of such vehicle.

100 (d) If the motor vehicle has no registration marker plates or invalid
101 registration marker plates, and if such inspector or officer makes a
102 determination in good faith that (1) the motor vehicle is apparently
103 abandoned, (2) the market value of such motor vehicle in its current
104 condition is five hundred dollars or less, and (3) the motor vehicle is so
105 vandalized, damaged, or in disrepair as to be unusable as a motor
106 vehicle, title to such motor vehicle shall, upon taking custody of such
107 motor vehicle, immediately vest in the municipality in which the
108 motor vehicle was discovered. Within forty-eight hours of the time
109 that such motor vehicle is taken into custody, the affixing department
110 or parking authority shall notify the Commissioner of Motor Vehicles,
111 in writing, of the vehicle identification number and a description of the
112 motor vehicle. Upon sale or other disposition of the motor vehicle, the
113 affixing department or parking authority shall give written notice by
114 certified mail to the person who was the owner of such motor vehicle
115 at the time of abandonment, if known, which notice shall state that the
116 motor vehicle has been sold or otherwise disposed of. The proceeds of
117 the sale or disposition, or the fair market value of the motor vehicle in
118 its current condition, whichever is greater, less the towing and sale or

119 disposal expenses and the amount of any fines due, shall be paid to
120 such person or such person's representatives, if claimed by such
121 person or them within one year from the date of sale. If such balance is
122 not claimed within such period, it shall escheat to the municipality. If
123 the expenses incurred by the municipality for towing and the sale or
124 disposition of such motor vehicle and any such fines exceed the
125 proceeds of such sale or disposition, such person shall be liable to such
126 municipality for such excess amount.

127 (e) Within forty-eight hours of the time that a motor vehicle is taken
128 into custody and stored pursuant to subsection (b) or (c) of this section,
129 the affixing department or parking authority shall give written notice
130 by certified mail to the owner of such motor vehicle, if known, which
131 notice shall state (1) that the motor vehicle has been taken into custody
132 and stored, (2) the location of storage of the motor vehicle, (3) that,
133 unless title has already vested in the municipality pursuant to
134 subsection (d), such motor vehicle may be sold after fifteen days if the
135 market value of such motor vehicle does not exceed one thousand five
136 hundred dollars or after forty-five days if the value of such motor
137 vehicle exceeds one thousand five hundred dollars, and (4) that the
138 owner has a right to contest the validity of such taking by application,
139 on a form prescribed by the Commissioner of Motor Vehicles, to the
140 hearing officer named in such notice within ten days from the date of
141 such notice. Such application forms shall be made readily available to
142 the public at all offices of the Department of Motor Vehicles, [and at
143 all] parking authorities authorized to enforce parking regulations and
144 state and local police departments.

145 (f) (1) The chief executive officer of each town shall appoint a
146 suitable person, who shall not be a member of any state or local police
147 department, to be a hearing officer to hear applications to determine
148 whether or not the towing within such municipality of such motor
149 vehicle was authorized under the provisions of this section. Two or
150 more towns may join in appointing such hearing officer; provided any
151 such hearing shall be held at a location which is as near to the town
152 within which such motor vehicle was towed as is reasonable and

153 practicable. The commissioner shall establish by regulation the
154 qualifications necessary for hearing officers and procedures for the
155 holding of such hearings. If it is determined at such hearing that the
156 vehicle was not a menace to traffic, abandoned or unregistered, as the
157 case may be, the owner of such motor vehicle shall not be liable for any
158 expenses incurred as a result of the taking and storage of such motor
159 vehicle, the lien provisions of this section shall not apply to such
160 owner, and the department which took and stored such motor vehicle
161 shall be liable for such expenses. If the owner, prior to such
162 determination, pays such expenses and the storage charges of such
163 motor vehicle, and it is determined at such hearing that the motor
164 vehicle was not a menace to traffic, abandoned or unregistered, as the
165 case may be, the department or parking authority which took such
166 motor vehicle shall be liable to such owner for the amount paid by
167 such owner. Any person aggrieved by the decision of such hearing
168 officer may, within fifteen days of the notice of such decision, appeal to
169 the superior court for the judicial district wherein such hearing was
170 held.

171 (2) The chief executive officer of each municipality shall designate a
172 suitable person who shall be responsible for the collection of data
173 concerning abandoned motor vehicles within such municipality and
174 the preparation and submission of periodic reports to the
175 Commissioner of Motor Vehicles which shall contain such information
176 as the commissioner may require.

177 (g) The owner or keeper of any garage or other place where such
178 motor vehicle is stored shall have a lien upon the same for such
179 owner's or keeper's storage charges. Unless title has already vested in
180 the municipality pursuant to subsection (d) of this section, if the
181 current market value of such motor vehicle as determined in good
182 faith by such owner or keeper does not exceed one thousand five
183 hundred dollars and such motor vehicle has been stored for a period of
184 not less than fifteen days, such owner or keeper may, unless an
185 application filed by the owner pursuant to subsection (d) of this
186 section is pending and the owner of such motor vehicle has notified

187 such owner or keeper that such application for hearing has been filed,
188 sell the same for storage and towing charges owed thereon, provided a
189 notice of intent to sell shall be sent to the commissioner and the owner
190 of such motor vehicle, if known, five days before the sale of such
191 vehicle. If the current market value of such motor vehicle as
192 determined in good faith by such owner or keeper exceeds one
193 thousand five hundred dollars and if such motor vehicle has been so
194 stored for a period of forty-five days, such owner or keeper shall,
195 unless an application filed by the owner pursuant to subsection (d) of
196 this section is pending and the owner of such motor vehicle has
197 notified such owner or keeper that such application for hearing has
198 been filed, sell the same at public auction for cash, at such owner's or
199 keeper's place of business, and apply the avails of such sale toward the
200 payment of such owner's or keeper's charges and the payment of any
201 debt or obligation incurred by the officer who placed the same in
202 storage, provided if the last place of abode of the owner of such motor
203 vehicle is known to or may be ascertained by such garage owner or
204 keeper by the exercise of reasonable diligence, notice of the time and
205 place of sale shall be given to such owner by mailing such notice to
206 such owner in a registered or certified letter, postage paid, at such last
207 usual place of abode, at least five days before the time of sale. At any
208 public auction held pursuant to this subsection, such garage owner or
209 keeper may set a minimum bid equal to the amount of such owner's or
210 keeper's charges and obligations with respect to the tow and storage of
211 the motor vehicle. If no such bid is made, such owner or keeper may
212 sell or dispose of such vehicle.

213 (h) The garage owner or keeper shall report the sales price, storing,
214 towing and repair charges, if any; buyer's name and address;
215 identification of the vehicle and such other information as may be
216 required in regulations which shall be adopted by the commissioner in
217 accordance with the provisions of chapter 54, to the commissioner
218 within fifteen days after the sale of the motor vehicle. The proceeds of
219 such sale, after deducting the amount due such garage owner or
220 keeper and all expenses connected with such sale, including the

221 expenses of the officer who placed such motor vehicle in storage, shall
222 be paid to the owner of such motor vehicle or such owner's legal
223 representatives, if claimed by such owner or them at any time within
224 one year from the date of such sale. If such balance is not claimed
225 within said period, it shall escheat to the state.

226 (i) If the owner of such motor vehicle placed in storage in
227 accordance with the provisions of this section does not claim such
228 motor vehicle within thirty days, the owner of such garage or other
229 place of storage shall, within forty days of the date such motor vehicle
230 was placed in storage with such owner, send a written notice to the
231 commissioner, stating the make, engine number and chassis number of
232 such motor vehicle, the date such motor vehicle was left with such
233 owner for storage and by whom and the registration number thereof if
234 any number plates are on such motor vehicle, which notice shall be
235 placed on file by the commissioner and shall be subject to public
236 inspection. The fee for filing such notice shall be five dollars. Any sale
237 under the provisions of this section shall be void, unless the notice
238 required by this section has been given to the commissioner.

239 (j) The Commissioner of Motor Vehicles shall adopt regulations, in
240 accordance with the provisions of chapter 54, (1) specifying the
241 circumstances under which title to any motor vehicle abandoned
242 within the limits of any highway may be transferred to any person,
243 firm or corporation towing such vehicle, and (2) establishing the
244 procedure whereby such person, firm or corporation may obtain title
245 to such motor vehicle.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>

Statement of Legislative Commissioners:

Changes were made in Sec. 3 for accuracy.

PD *Joint Favorable Subst.*