



House of Representatives

General Assembly

File No. 296

February Session, 2004

Substitute House Bill No. 5470

House of Representatives, March 29, 2004

The Committee on Planning and Development reported through REP. WALLACE of the 109th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT CONCERNING LOCATION OF AUTO DEALERS, REPAIRERS,
MOTOR VEHICLE RECYCLERS AND GASOLINE STATIONS.**

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

1 Section 1. Section 14-54 of the general statutes, as amended by
2 section 2 of public act 03-184 and section 70 of public act 03-6 of the
3 June 30 special session, is repealed and the following is substituted in
4 lieu thereof (*Effective from passage*):

5 Any person who desires to obtain a license for dealing in or
6 repairing motor vehicles shall first obtain and present to the
7 commissioner a certificate of approval of the location for which such
8 license is desired from the zoning commission, planning and zoning
9 commission, zoning board of appeals or other board or authority
10 designated by local charter, regulation or ordinance of the town, city or
11 borough wherein the business is located or is proposed to be located.],
12 except that in any town or city having a zoning commission, combined

13 planning and zoning commission and a board of appeals, such
 14 certificate shall be obtained from the board of appeals.] In addition
 15 thereto, such certificate shall be approved by the chief of police where
 16 there is an organized police force or, where there is none, by the
 17 commander of the state police barracks situated nearest to such
 18 proposed location. The provisions of this section shall not apply to (1)
 19 a transfer of ownership to a spouse, child, brother, sister or parent of a
 20 licensee, (2) a transfer of ownership to or from a corporation in which a
 21 spouse, child, brother, sister or parent of a licensee has a controlling
 22 interest, or (3) a change in ownership involving the withdrawal of one
 23 or more partners from a partnership.

24 Sec. 2. Subsection (a) of section 14-67i of the general statutes, as
 25 amended by section 3 of public act 03-184 and section 71 of public act
 26 03-6 of the June 30 special session, is repealed and the following is
 27 substituted in lieu thereof (*Effective from passage*):

28 (a) No person, firm or corporation shall establish, operate or
 29 maintain a motor vehicle recycler's yard or motor vehicle recycler's
 30 business unless a certificate of approval of the location to be used
 31 therefor has been procured from the zoning commission, planning and
 32 zoning commission, zoning board of appeals or other board or
 33 authority designated by local charter, regulation or ordinance in the
 34 town, city or borough wherein such yard or business is located or is
 35 proposed to be located. [, except that in any town or city having a
 36 zoning commission, combined planning and zoning commission and a
 37 board of appeals, such certificate shall be obtained from the board of
 38 appeals.]

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</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:

Municipalities	Effect	FY 05 \$	FY 06 \$
Various Municipalities	None	None	None

Explanation

The bill allows the zoning board of appeals, commission, or other designated board to approve the siting of vehicle dealers and related businesses when the municipality does not have a combined planning and zoning commission and board of appeals. Therefore this bill has no fiscal impact.

OLR Bill Analysis

sHB 5470

**AN ACT CONCERNING LOCATION OF AUTO DEALERS,
REPAIRERS, MOTOR VEHICLE RECYCLERS AND GASOLINE
STATIONS****SUMMARY:**

This bill broadens the types of local agencies that can approve the siting of a vehicle-related business as a prerequisite to its obtaining a Department of Motor Vehicles license. The bill affects the siting of vehicle dealers and repairers and recycler's yards and businesses. Under current law, if a municipality has a zoning board of appeals (ZBA) and a zoning commission or a planning and zoning commission (as most do), the ZBA must approve the site. The bill also allows the commission or another board or authority designated by local law to approve the site.

Under current law, if a municipality does not have both a commission and a ZBA, the board or authority designated by local law must approve the business's site. The bill explicitly allows a commission or ZBA to fill this role.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 16 Nay 0