



General Assembly

February Session, 2004

Substitute Bill No. 5246

* HB05246TRA 033104 *

AN ACT CONCERNING THE NOTIFICATION OF LIENHOLDERS OF MOTOR VEHICLES.

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

1 Section 1. Subsections (e) to (g), inclusive, of section 14-150 of the
2 general statutes, as amended by section 4 of public act 03-264, are
3 repealed and the following is substituted in lieu thereof (*Effective from*
4 *passage*):

5 (e) Within forty-eight hours of the time that a motor vehicle is taken
6 into custody and stored pursuant to subsection (b) or (c) of this section,
7 the affixing department or parking authority shall give written notice
8 by certified mail to the owner and any lienholders of such motor
9 vehicle, if [known] the same appears on the records of the Department
10 of Motor Vehicles, which notice shall state (1) that the motor vehicle
11 has been taken into custody and stored, (2) the location of storage of
12 the motor vehicle, (3) that, unless title has already vested in the
13 municipality pursuant to subsection (d), such motor vehicle may be
14 sold after fifteen days if the market value of such motor vehicle does
15 not exceed one thousand five hundred dollars or after forty-five days if
16 the value of such motor vehicle exceeds one thousand five hundred
17 dollars, and (4) that the owner has a right to contest the validity of
18 such taking by application, on a form prescribed by the Commissioner
19 of Motor Vehicles, to the hearing officer named in such notice within

20 ten days from the date of such notice. Such application forms shall be
21 made readily available to the public at all offices of the Department of
22 Motor Vehicles, parking authorities authorized under an ordinance
23 adopted pursuant to section 7-204a to enforce parking regulations and
24 state and local police departments.

25 (f) (1) The chief executive officer of each town shall appoint a
26 suitable person, who shall not be a member of any state or local police
27 department, to be a hearing officer to hear applications to determine
28 whether or not the towing within such municipality of such motor
29 vehicle was authorized under the provisions of this section. Two or
30 more towns may join in appointing such hearing officer; provided any
31 such hearing shall be held at a location which is as near to the town
32 within which such motor vehicle was towed as is reasonable and
33 practicable. The commissioner shall establish by regulation the
34 qualifications necessary for hearing officers and procedures for the
35 holding of such hearings. If it is determined at such hearing that the
36 vehicle was not a menace to traffic, abandoned or unregistered, as the
37 case may be, the owner of such motor vehicle shall not be liable for any
38 expenses incurred as a result of the taking and storage of such motor
39 vehicle, the lien provisions of this section shall not apply to such
40 owner, and the department which took and stored such motor vehicle
41 shall be liable for such expenses. If the owner, prior to such
42 determination, pays such expenses and the storage charges of such
43 motor vehicle, and it is determined at such hearing that the motor
44 vehicle was not a menace to traffic, abandoned or unregistered, as the
45 case may be, the department or parking authority which took such
46 motor vehicle shall be liable to such owner for the amount paid by
47 such owner. Any person aggrieved by the decision of such hearing
48 officer may, within fifteen days of the notice of such decision, appeal to
49 the superior court for the judicial district wherein such hearing was
50 held.

51 (2) The chief executive officer of each municipality shall designate a
52 suitable person who shall be responsible for the collection of data
53 concerning abandoned motor vehicles within such municipality and

54 the preparation and submission of periodic reports to the
55 Commissioner of Motor Vehicles which shall contain such information
56 as the commissioner may require.

57 (g) The owner or keeper of any garage or other place where such
58 motor vehicle is stored shall have a lien upon the same for such
59 owner's or keeper's storage charges. Unless title has already vested in
60 the municipality pursuant to subsection (d) of this section, if the
61 current market value of such motor vehicle as determined in good
62 faith by such owner or keeper does not exceed one thousand five
63 hundred dollars and such motor vehicle has been stored for a period of
64 not less than fifteen days, such owner or keeper may, unless an
65 application filed by the owner pursuant to subsection [(d)] (e) of this
66 section is pending and the owner of such motor vehicle has notified
67 such owner or keeper that such application for hearing has been filed,
68 sell the same for storage and towing charges owed thereon, provided a
69 notice of intent to sell shall be sent to the commissioner, [and] the
70 owner and any lienholder of record of such motor vehicle, if known,
71 five days before the sale of such vehicle. If the current market value of
72 such motor vehicle as determined in good faith by such owner or
73 keeper exceeds one thousand five hundred dollars and if such motor
74 vehicle has been so stored for a period of forty-five days, such owner
75 or keeper shall, unless an application filed by the owner pursuant to
76 subsection [(d)] (e) of this section is pending and the owner of such
77 motor vehicle has notified such owner or keeper that such application
78 for hearing has been filed, sell the same at public auction for cash, at
79 such owner's or keeper's place of business, and apply the avails of such
80 sale toward the payment of such owner's or keeper's charges and the
81 payment of any debt or obligation incurred by the officer who placed
82 the same in storage, provided if the last place of abode of the owner of
83 such motor vehicle is known to or may be ascertained by such garage
84 owner or keeper by the exercise of reasonable diligence, notice of the
85 time and place of sale shall be given to such owner and any lienholder
86 of record by mailing such notice to such owner in a registered or
87 certified letter, postage paid, at such last usual place of abode, at least

88 five days before the time of sale. At any public auction held pursuant
89 to this subsection, such garage owner or keeper may set a minimum
90 bid equal to the amount of such owner's or keeper's charges and
91 obligations with respect to the tow and storage of the motor vehicle. If
92 no such bid is made, such owner or keeper may sell or dispose of such
93 vehicle.

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

BA *Joint Favorable Subst.*

TRA *Joint Favorable*