



General Assembly

January Session, 2005

Committee Bill No. 70

LCO No. 3603

* SB00070TRAINS030805 *

Referred to Committee on Transportation

Introduced by:
(TRA)

AN ACT CONCERNING REPAIRS TO MOTOR VEHICLES.

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

1 Section 1. (NEW) (*Effective October 1, 2005*) (a) "Motor vehicle
2 physical damage appraiser" means any person, partnership,
3 association, limited liability company or corporation that practices as a
4 business the appraising of damages to motor vehicles insured under
5 automobile physical damage policies or on behalf of third party
6 claimants.

7 (b) No person may act as an appraiser for motor vehicle physical
8 damage claims on behalf of any insurance company or firm or
9 corporation engaged in the adjustment or appraisal of motor vehicle
10 claims unless the person has first secured a license from the
11 Commissioner of Motor Vehicles, and has paid the license fee specified
12 in section 3 of this act, for each two-year period or fraction thereof. The
13 license shall be applied for as provided in section 2 of this act. The
14 commissioner may waive the requirement for examination in the case
15 of any applicant for a motor vehicle physical damage appraiser's
16 license who is a nonresident of this state and who holds an equivalent
17 license from any other state. Any such license issued by the

18 commissioner shall be in force until the thirtieth day of June in each
19 odd-numbered year unless sooner revoked or suspended. The license
20 may be renewed biennially upon payment of the fee specified in
21 section 3 of this act. The commissioner may adopt reasonable
22 regulations, in accordance with chapter 54 of the general statutes,
23 concerning standards for qualification, suspension or revocation of
24 such licenses and the methods by which licensees shall conduct their
25 business.

26 (c) Any person who violates any provision of this section shall be
27 fined not more than five hundred dollars or imprisoned not more than
28 one year, or both.

29 Sec. 2. (NEW) (*Effective October 1, 2005*) (a) Any person, partnership,
30 association, corporation that is a resident in this state or has its
31 principal place of business in this state, or a nonresident of this state
32 who is not licensed in any other state, desiring to act within this state
33 as a motor vehicle physical damage appraiser shall make a written
34 application to the Commissioner of Motor Vehicles for a resident
35 license. Any other person, partnership, association or corporation
36 desiring to act within this state as a motor vehicle physical damage
37 appraiser shall make a written application to the commissioner for a
38 nonresident license. No application for a nonresident license shall be
39 granted unless the applicant holds an equivalent license from any
40 other state. An application for a resident or nonresident license shall be
41 made for each name or designation under which such business shall be
42 conducted, in such form as the commissioner prescribes, stating any
43 other business that the applicant desires also to transact. All initial
44 applications shall be accompanied by a nonrefundable filing fee
45 specified in section 3 of this act. The commissioner shall cause to be
46 made such inquiry and examination as to the qualifications of each
47 such applicant as the commissioner considers necessary.

48 (b) Each application for a license shall be signed by: (1) The
49 applicant, if the application is for an individual; (2) a licensed officer, if

50 the application is for a corporation; (3) a licensed partner, if the
51 application is for a partnership; and (4) a licensed principal, if the
52 application is for any other applicant.

53 (c) Each applicant for a license shall furnish satisfactory evidence to
54 the commissioner that the applicant is a person of good moral
55 character and that the applicant is financially responsible. In order to
56 determine the trustworthiness and competency of an applicant, the
57 commissioner shall subject the applicant to personal written
58 examination as to the applicant's competency to act as a motor vehicle
59 physical damage appraiser. The commissioner may designate an
60 independent testing service to prepare and administer such
61 examination, provided any examination fees charged by such service
62 shall be paid by the applicant. The commissioner shall collect the
63 appropriate examination fee, as specified in section 3 of this act, which
64 shall entitle the applicant to take the examination for licensure as a
65 motor vehicle physical damage appraiser. When a testing service is
66 used, the testing service shall pay such fee to the commissioner for
67 each examination taken by an applicant. Each such examination shall
68 be as the commissioner prescribes and shall be of sufficient scope to
69 test the applicant's knowledge of the business of acting as a motor
70 vehicle physical damage appraiser, the duties and responsibilities of a
71 licensee and the laws of this state applicable to the business of acting as
72 a motor vehicle physical damage appraiser. The commissioner may
73 require a waiting period not exceeding six months, before reexamining
74 any applicant who has failed to pass any such examination.

75 (d) Upon finding that an applicant meets the licensing requirements
76 of this act and is in all respects properly qualified and trustworthy and
77 that the granting of such license is not against the public interest, the
78 commissioner may issue to the applicant a license to engage in the
79 business of a motor vehicle physical damage appraiser, in such form as
80 the commissioner may adopt, to act within this state to the extent
81 therein specified.

82 (e) The commissioner may adopt regulations, in accordance with
83 chapter 54 of the general statutes, concerning the approval of schools
84 offering courses in the business of acting as a motor vehicle physical
85 damage appraiser, the content of such courses and the advertising to
86 the public of the services of these schools.

87 (f) To further the enforcement of this section and to determine the
88 eligibility of any licensee, the commissioner may, as often as the
89 commissioner considers necessary, examine the books and records of
90 any such licensee.

91 (g) A license may, in the discretion of the commissioner, be renewed
92 or continued upon payment of the appropriate fee, as specified in
93 section 3 of this act, without resubmission of the detailed information
94 required in the original application.

95 Sec. 3. (NEW) (*Effective October 1, 2005*) The Commissioner of Motor
96 Vehicles shall collect the following fees with respect to motor vehicle
97 physical damage appraisers: (1) An examination fee of forty dollars for
98 each examination taken, except when a testing service is used, the
99 testing service shall pay the forty-dollar fee to the commissioner for
100 each examination taken by an applicant; (2) a fee of forty dollars for
101 each license issued or renewed; and (3) the expense of any examination
102 administered outside the state shall be the responsibility of the entity
103 making the request and such entity shall pay to the commissioner one
104 hundred dollars for such examination and the actual traveling
105 expenses of the examination administrator to administer such
106 examination.

107 Sec. 4. (NEW) (*Effective October 1, 2005*) Whenever the Commissioner
108 of Motor Vehicles receives an application for an initial license or
109 license renewal, pursuant to the requirements of section 2 of this act,
110 that is not accompanied by the required fees, the commissioner shall
111 return such application together with all accompanying fees, unless
112 the commissioner, at the commissioner's discretion, chooses to invoice
113 any such fees not submitted with the initial or renewal applications.

114 Whenever the commissioner receives an application accompanied by
115 the required fees accepted by the commissioner, all examination and
116 filing fees are deemed paid.

117 Sec. 5. (NEW) (*Effective October 1, 2005*) (a) Any person, firm,
118 partnership, association or corporation holding a license issued
119 pursuant to section 2 of this act or holding a license in the name of a
120 trade name shall notify the Commissioner of Motor Vehicles, in
121 writing, no later than thirty days after any change: (1) In business or
122 residence address; (2) in employer; (3) in name; or (4) in licensed
123 members of a firm, partnership, association or officers of a corporation
124 as stated in the application for license.

125 (b) Any person, firm, partnership, association or corporation, or any
126 person, firm, partnership, association or corporation acting as a trade
127 name, holding a license issued pursuant to section 2 of this act shall
128 notify the Commissioner of Motor Vehicles, in writing, no later than
129 thirty days after any bankruptcy proceeding or the conviction of a
130 felony, or any administrative action taken against such licensee in
131 another state no later than thirty days after the entering of the
132 administrative order in that state. Such notification shall be
133 accompanied by all supporting documentation.

134 (c) If, upon investigation, the commissioner determines that a
135 licensee has violated the provisions of subsection (b) of this section, the
136 commissioner may, following a hearing as specified in section 8 of this
137 act, impose a fine upon and suspend or revoke the license of the
138 licensee.

139 Sec. 6. (NEW) (*Effective October 1, 2005*) Any person wilfully
140 misrepresenting any fact required to be disclosed in any application or
141 in any other form, paper or document required to be filed with the
142 Commissioner of Motor Vehicles in connection with an application for
143 a license issued by the commissioner pursuant to section 2 of this act
144 shall be fined not more than five hundred dollars or imprisoned not
145 more than six months, or both.

146 Sec. 7. (NEW) (*Effective October 1, 2005*) Any person impersonating
147 or attempting or offering to impersonate another person in taking or
148 attempting or offering to take an examination held in accordance with
149 an application for a motor vehicle physical damage appraiser license
150 pursuant to section 2 of this act, or procuring any other person falsely
151 to take or attempt or offer to take any such examination for an
152 applicant for a license, shall be fined not more than five hundred
153 dollars or imprisoned not more than six months, or both.

154 Sec. 8. (NEW) (*Effective October 1, 2005*) (a) The Commissioner of
155 Motor Vehicles, after reasonable notice to and hearing of any holder of
156 a motor vehicle physical damage appraiser license issued by the
157 commissioner, may suspend or revoke the license for cause shown. In
158 addition to or in lieu of suspension or revocation, the commissioner
159 may impose a fine not to exceed one thousand dollars. Hearings may
160 be held by the commissioner or by the commissioner's designee.
161 Whenever a person other than the commissioner acts as the hearing
162 officer, the hearing officer shall submit to the commissioner a
163 memorandum of the officer's findings and recommendations upon
164 which the commissioner may base a decision.

165 (b) If a motor vehicle physical damage appraiser license held by a
166 firm, association or corporation is revoked, the motor vehicle physical
167 damage appraiser licenses of any principal of such firm or association
168 or any officer or director of such corporation shall be revoked, unless
169 the commissioner determines that such principal, officer or director
170 was not personally at fault in the matter on account of which such
171 license held by the firm, association or corporation was revoked.

172 (c) Any person aggrieved by the action of the commissioner in
173 revoking, suspending or refusing to grant or reissue a license or in
174 imposing a fine may appeal therefrom in accordance with the
175 provisions of section 4-183 of the general statutes, except venue for
176 such appeal shall be in the judicial district of New Britain. Appeals
177 under this section shall be privileged in respect to the order of trial

178 assignment.

179 Sec. 9. Section 14-65f of the general statutes is repealed and the
180 following is substituted in lieu thereof (*Effective October 1, 2005*):

181 (a) Prior to performing any repair work on a motor vehicle, a motor
182 vehicle repair shop shall obtain a written authorization to perform the
183 work, on an invoice signed by the customer, which includes an
184 estimate in writing of the maximum cost to the customer of the parts
185 and labor necessary for the specific job authorized. A repair shop shall
186 not charge for work done or parts supplied without a written
187 authorization or in excess of the estimate unless the customer gives
188 consent orally or in writing.

189 (b) If the repair shop is unable to estimate the cost of repair because
190 the specific repairs to be performed are not known at the time the
191 vehicle is delivered to the repair shop, the written authorization
192 required by this section need not include an estimate of the maximum
193 cost of parts and labor. In such a case, prior to commencing any
194 repairs, the repair shop shall notify the customer of the work to be
195 performed and the estimated maximum cost to the customer of the
196 necessary parts and labor, obtain the customer's written or oral
197 authorization and record such information on the invoice.

198 (c) If, during the course of performing repair work, the repair shop
199 discovers that repairs other than those authorized are needed or that
200 the cost of authorized repairs will exceed the estimate, the repair shop
201 shall not proceed with the repairs without first obtaining the
202 customer's additional written or oral consent and recording such
203 information on the invoice.

204 (d) No repair shop shall have a claim against a motor vehicle for
205 repairs, other than for repairs actually performed and authorized, in an
206 amount greater than that authorized by the customer under the
207 provisions of sections 14-65e to 14-65j, inclusive.

208 (e) If a motor vehicle is delivered to a repair shop at a time when the
209 shop is not open for business, the authorization to repair the vehicle
210 and the estimate of the cost of parts and labor may be given orally but
211 shall be recorded on the invoice.

212 (f) Unless requested by a customer, the requirement for a repair
213 shop to furnish an advance written estimate shall not apply to repair
214 work for which the total cost for parts and labor is less than fifty
215 dollars.

216 (g) A motor vehicle repair shop that engages in the structural repair
217 of unit body construction motor vehicles shall use industry-accepted
218 manuals, approved by the Commissioner of Motor Vehicles, to
219 calculate the costs of labor, parts, paint and refinishing materials.

220 Sec. 10. (NEW) (*Effective October 1, 2005*) (a) No insurance company
221 employee, staff appraiser or agent of an insurance company may
222 request that an insured or third party claimant, as a prerequisite for
223 settling a claim for payment concerning a damaged motor vehicle,
224 drive the damaged motor vehicle to a claim facility.

225 (b) An insurance company employee, staff appraiser or agent of an
226 insurance company may request that an insured or third party
227 claimant drive a damaged motor vehicle about which a claim is being
228 made to a claim facility only if the employee, appraiser or agent asks
229 the insured or third party claimant the following questions concerning
230 the damaged vehicle and records the following responses:

231 (1) Is the motor vehicle safe for the road? Yes.

232 (2) Are any headlights or taillights damaged? No.

233 (3) Is there damage to windshield or door glass? No.

234 (4) Are all the doors able to open and close safely? Yes.

235 (5) Is there damage to the unit body or frame? No.

236 (6) Is there damage to the hood safety catch or lock? No.

237 (7) Is there any damage to the front or rear suspension? No.

238 (8) Is there any metal in contact with the tires? No.

239 (9) Would the motor vehicle be considered unsafe for operation on
240 highways and streets of this state according to rules and regulations of
241 the Department of Motor Vehicles? No.

242 Sec. 11. Section 38a-354 of the general statutes is repealed and the
243 following is substituted in lieu thereof (*Effective October 1, 2005*):

244 [(a)] No [automobile] motor vehicle physical damage appraiser,
245 insurance company doing business in this state or agent or adjuster for
246 such a company shall require that appraisals or repairs for automobile
247 physical damage, automobile glass replacement, glass repair service or
248 glass products should or should not be made in a specified facility or
249 repair shop or shops, and no such appraiser, company, agent or
250 adjuster shall, directly or indirectly, coerce, persuade, induce or advise
251 an insured or third party claimant that the appraised motor vehicle
252 should or should not be repaired at a particular location or by a
253 particular individual or business.

254 [(b) No insurance company doing business in this state, or agent or
255 adjuster for such company shall require any insured to use a specific
256 person for the provision of automobile physical damage repairs,
257 automobile glass replacement, glass repair service or glass products
258 unless otherwise agreed to in writing by the insured.]

259 Sec. 12. Subsection (a) of section 38a-11 of the general statutes is
260 repealed and the following is substituted in lieu thereof (*Effective*
261 *October 1, 2005*):

262 (a) The commissioner shall demand and receive the following fees:
263 (1) For the annual fee for each license issued to a domestic insurance
264 company, one hundred dollars; (2) for receiving and filing annual

265 reports of domestic insurance companies, twenty-five dollars; (3) for
266 filing all documents prerequisite to the issuance of a license to an
267 insurance company, one hundred seventy-five dollars, except that the
268 fee for such filings by any health care center, as defined in section 38a-
269 175, shall be one thousand one hundred dollars; (4) for filing any
270 additional paper required by law, fifteen dollars; (5) for each certificate
271 of valuation, organization, reciprocity or compliance, twenty dollars;
272 (6) for each certified copy of a license to a company, twenty dollars; (7)
273 for each certified copy of a report or certificate of condition of a
274 company to be filed in any other state, twenty dollars; (8) for
275 amending a certificate of authority, one hundred dollars; (9) for each
276 license issued to a rating organization, one hundred dollars. In
277 addition, insurance companies shall pay any fees imposed under
278 section 12-211; (10) a filing fee of twenty-five dollars for each initial
279 application for a license made pursuant to section 38a-769; (11) with
280 respect to insurance agents' appointments: (A) A filing fee of twenty-
281 five dollars for each request for any agent appointment; (B) a fee of
282 forty dollars for each appointment issued to an agent of a domestic
283 insurance company or for each appointment continued; and (C) a fee
284 of twenty dollars for each appointment issued to an agent of any other
285 insurance company or for each appointment continued, except that no
286 fee shall be payable for an appointment issued to an agent of an
287 insurance company domiciled in a state or foreign country which does
288 not require any fee for an appointment issued to an agent of a
289 Connecticut insurance company; (12) with respect to insurance
290 producers: (A) An examination fee of seven dollars for each
291 examination taken, except when a testing service is used, the testing
292 service shall pay a fee of seven dollars to the commissioner for each
293 examination taken by an applicant; (B) a fee of forty dollars for each
294 license issued; and (C) a fee of forty dollars for each license renewed;
295 (13) with respect to public adjusters: (A) An examination fee of seven
296 dollars for each examination taken, except when a testing service is
297 used, the testing service shall pay a fee of seven dollars to the
298 commissioner for each examination taken by an applicant; and (B) a fee

299 of one hundred twenty-five dollars for each license issued or renewed;
300 (14) with respect to casualty adjusters: (A) An examination fee of ten
301 dollars for each examination taken, except when a testing service is
302 used, the testing service shall pay a fee of ten dollars to the
303 commissioner for each examination taken by an applicant; (B) a fee of
304 forty dollars for each license issued or renewed; and (C) the expense of
305 any examination administered outside the state shall be the
306 responsibility of the entity making the request and such entity shall
307 pay to the commissioner one hundred dollars for such examination
308 and the actual traveling expenses of the examination administrator to
309 administer such examination; [(15) with respect to motor vehicle
310 physical damage appraisers: (A) An examination fee of forty dollars
311 for each examination taken, except when a testing service is used, the
312 testing service shall pay a fee of forty dollars to the commissioner for
313 each examination taken by an applicant; (B) a fee of forty dollars for
314 each license issued or renewed; and (C) the expense of any
315 examination administered outside the state shall be the responsibility
316 of the entity making the request and such entity shall pay to the
317 commissioner one hundred dollars for such examination and the
318 actual traveling expenses of the examination administrator to
319 administer such examination; (16)] (15) with respect to certified
320 insurance consultants: (A) An examination fee of thirteen dollars for
321 each examination taken, except when a testing service is used, the
322 testing service shall pay a fee of thirteen dollars to the commissioner
323 for each examination taken by an applicant; (B) a fee of two hundred
324 dollars for each license issued; and (C) a fee of one hundred twenty-
325 five dollars for each license renewed; [(17)] (16) with respect to surplus
326 lines brokers: (A) An examination fee of ten dollars for each
327 examination taken, except when a testing service is used, the testing
328 service shall pay a fee of ten dollars to the commissioner for each
329 examination taken by an applicant; and (B) a fee of five hundred
330 dollars for each license issued or renewed; [(18)] (17) with respect to
331 fraternal agents, a fee of forty dollars for each license issued or
332 renewed; [(19)] (18) a fee of thirteen dollars for each license certificate

333 requested, whether or not a license has been issued; [(20)] (19) with
334 respect to domestic and foreign benefit societies shall pay: (A) For
335 service of process, twenty-five dollars for each person or insurer to be
336 served; (B) for filing a certified copy of its charter or articles of
337 association, five dollars; (C) for filing the annual report, ten dollars;
338 and (D) for filing any additional paper required by law, three dollars;
339 [(21)] (20) with respect to foreign benefit societies: (A) For each
340 certificate of organization or compliance, four dollars; (B) for each
341 certified copy of permit, two dollars; and (C) for each copy of a report
342 or certificate of condition of a society to be filed in any other state, four
343 dollars; [(22)] (21) with respect to reinsurance intermediaries: A fee of
344 five hundred dollars for each license issued or renewed; [(23)] (22)
345 with respect to viatical settlement providers: (A) A filing fee of thirteen
346 dollars for each initial application for a license made pursuant to
347 section 38a-465a; and (B) a fee of twenty dollars for each license issued
348 or renewed; [(24)] (23) with respect to viatical settlement brokers: (A) A
349 filing fee of thirteen dollars for each initial application for a license
350 made pursuant to section 38a-465a; and (B) a fee of twenty dollars for
351 each license issued or renewed; [(25)] (24) with respect to viatical
352 settlement investment agents: (A) A filing fee of thirteen dollars for
353 each initial application for a license made pursuant to section 38a-465a;
354 and (B) a fee of twenty dollars for each license issued or renewed;
355 [(26)] (25) with respect to preferred provider networks, a fee of two
356 thousand five hundred dollars for each license issued or renewed;
357 [(27)] (26) with respect to rental companies, as defined in section 38a-
358 799, a fee of forty dollars for each permit issued or renewed; and [(28)]
359 (27) with respect to each duplicate license issued a fee of twenty-five
360 dollars for each license issued.

361 Sec. 13. Subsection (a) of section 38a-769 of the general statutes is
362 repealed and the following is substituted in lieu thereof (*Effective*
363 *October 1, 2005*):

364 (a) Any person, partnership, association or corporation, resident, or
365 with its principal place of business in this state, or a nonresident of this

366 state who is not licensed in any other state, desiring to act within this
367 state as a public adjuster, casualty adjuster, [motor vehicle physical
368 damage appraiser,] certified insurance consultant, surplus lines broker
369 or desiring to engage in any insurance-related occupation for which a
370 license is deemed necessary by the commissioner, other than an
371 occupation as an insurance producer, shall make a written application
372 to the commissioner for a resident license. Any other person,
373 partnership, association or corporation desiring to so act or to engage
374 in any insurance-related occupation for which a license is deemed
375 necessary by the commissioner, other than an occupation as an
376 insurance producer, shall make a written application to the
377 commissioner for a nonresident license. No application for a
378 nonresident license shall be granted unless the applicant holds an
379 equivalent license from any other state. Any application for a resident
380 or nonresident license shall be made for each name or designation
381 under which such business shall be conducted, in such form as the
382 commissioner prescribes, stating the line or lines of insurance for
383 which the applicant desires such license and any other business which
384 the applicant desires also to transact. All initial applications shall be
385 accompanied by a nonrefundable filing fee specified in section 38a-11,
386 as amended by this act. The commissioner shall cause to be made such
387 inquiry and examination as to the qualifications of each such applicant
388 as the commissioner deems necessary.

389 Sec. 14. Section 38a-770 of the general statutes is repealed and the
390 following is substituted in lieu thereof (*Effective October 1, 2005*):

391 Whenever the Insurance Commissioner receives an application for
392 an initial license or license renewal, pursuant to the requirements of
393 sections 38a-702j, 38a-703 to 38a-718, inclusive, 38a-731 to 38a-735,
394 inclusive, 38a-741 to 38a-745, inclusive, 38a-769, 38a-771 to 38a-777,
395 inclusive, 38a-786, [38a-790,] 38a-792 and 38a-794, which is not
396 accompanied by the required fees, the commissioner shall return such
397 application together with all accompanying fees, unless the
398 commissioner, at the commissioner's discretion, chooses to invoice any

399 such fees not submitted with the initial or renewal applications.
400 Whenever the Insurance Commissioner receives an application
401 accompanied by the required fees accepted by the commissioner, all
402 examination and filing fees are deemed earned.

403 Sec. 15. Section 38a-771 of the general statutes is repealed and the
404 following is substituted in lieu thereof (*Effective October 1, 2005*):

405 (a) Any person, firm, partnership, association or corporation
406 holding a license issued pursuant to sections 38a-702j, 38a-703 to 38a-
407 716, inclusive, 38a-731 to 38a-735, inclusive, 38a-741 to 38a-745,
408 inclusive, 38a-769 to 38a-777, inclusive, 38a-786, [38a-790,] 38a-792 and
409 38a-794 or holding a license in the name of a trade name shall notify
410 the Insurance Commissioner, in writing, not later than thirty days after
411 any: (1) Change in business or residence address; (2) change in
412 employer; (3) change in name; or (4) change in licensed members of a
413 firm, partnership, association or officers of a corporation as stated in
414 the application for license.

415 (b) Any person, firm, partnership, association or corporation, or any
416 person, firm, partnership, association or corporation acting as a trade
417 name, holding a license issued pursuant to sections 38a-702j, 38a-703 to
418 38a-718, inclusive, 38a-731 to 38a-735, inclusive, 38a-741 to 38a-745,
419 inclusive, 38a-769 to 38a-777, inclusive, 38a-786, [38a-790,] 38a-792 and
420 38a-794, shall notify the Insurance Commissioner, in writing, not later
421 than thirty days after any bankruptcy proceeding or the conviction of a
422 felony, or any administrative action taken against such licensee in
423 another state not later than thirty days after the entering of the
424 administrative order in that state. Such notification shall be
425 accompanied by all supporting documentation.

426 (c) If, upon investigation, the commissioner determines that a
427 producer has violated the provisions of subsection (b) of this section,
428 the commissioner may, following a hearing as specified in section 38a-
429 774, impose a fine upon and suspend or revoke the license of the
430 producer.

431 Sec. 16. Section 38a-772 of the general statutes is repealed and the
432 following is substituted in lieu thereof (*Effective October 1, 2005*):

433 Any person wilfully misrepresenting any fact required to be
434 disclosed in any application or in any other form, paper or document
435 required to be filed with the commissioner in connection with an
436 application for any license issued by the commissioner pursuant to
437 sections 38a-702j, 38a-703 to 38a-718, inclusive, 38a-731 to 38a-735.
438 inclusive, 38a-741 to 38a-745, inclusive, 38a-769 to 38a-777, inclusive,
439 38a-786, [38a-790,] 38a-792 and 38a-794 shall be fined not more than
440 five hundred dollars or imprisoned not more than six months, or both.

441 Sec. 17. Section 42-271 of the general statutes is repealed and the
442 following is substituted in lieu thereof (*Effective October 1, 2005*):

443 (a) A lessor may charge, receive or collect excess wear and tear
444 charges only if the lease sets forth reasonable standards for wear and
445 tear and any excess wear and tear charges are assessed in accordance
446 with the specified standards. These charges shall not exceed the
447 amounts stated in an itemized estimate, prepared by a motor vehicle
448 physical damage appraiser licensed under section [38a-790] section 2 of
449 this act or repair shop licensed under section 14-52, selected by the
450 lessor, of the reasonable cost of repairs.

451 (b) Within forty-five days after the return of the leased motor
452 vehicle or such earlier date as otherwise agreed by the parties, the
453 lessor shall give the lessee notice, by registered or certified mail, return
454 receipt requested, or personal delivery stating the amount of excess
455 wear and tear charges claimed and containing an itemized estimate
456 upon which they are based and indicating that the lessee may contest:
457 (1) Whether any item for which an excess wear and tear charge has
458 been claimed constitutes excess wear and tear; and (2) the amount of
459 any excess wear and tear charge. The lessor's notice shall specify the
460 names, addresses and telephone numbers of at least three persons who
461 are licensed appraisers or repair shops unaffiliated with the lessor that
462 are acceptable to the lessor. Failure to notify the lessee within the time

463 established by this subsection shall be a waiver of the lessor's right to
464 recover those charges.

465 (c) The lessee may contest whether any item for which an excess
466 wear and tear charge has been claimed constitutes excess wear and
467 tear and the amount of any excess wear and tear charge by giving the
468 lessor notice in writing within fourteen days after the lessor's notice is
469 mailed or delivered in accordance with subsection (b) of this section
470 specifying the excess wear and tear items to which such lessee objects.

471 (d) If the lessee gives the lessor notice in accordance with subsection
472 (c) of this section, the lessee may obtain an itemized estimate at the
473 lessee's expense from a licensed appraiser or repair shop within
474 fourteen days after the lessor's notice is mailed or delivered in
475 accordance with subsection (b) of this section. If the estimate obtained
476 by the lessee is prepared by a motor vehicle physical damage appraiser
477 licensed under section [38a-790] 2 of this act or repair shop licensed
478 under section 14-52 specified in the lessor's notice, the lower of the two
479 estimates shall be the amount charged the lessee for excess wear and
480 tear under this section. If the estimate obtained by the lessee is
481 prepared by a motor vehicle physical damage appraiser licensed under
482 section [38a-790] 2 of this act or repair shop licensed under section 14-
483 52 other than such a shop or appraiser specified in the lessor's notice,
484 the two estimates shall establish the upper and lower limits of the
485 amount charged the lessee for excess wear and tear under this section.

486 (e) The lessor shall allow the licensed appraiser or repair shop
487 selected by the lessee reasonable access to the leased motor vehicle
488 during the time within which the lessee may obtain an appraisal. If the
489 lessor fails to retain the leased motor vehicle during the time within
490 which the lessee may obtain an appraisal or fails to allow the licensed
491 appraiser or repair shop specified by the lessee the required reasonable
492 access to the leased motor vehicle, the lessor's failure shall be a waiver
493 of the lessor's right to recover any charges under this section.

494 Sec. 18. Section 38a-790 of the general statutes is repealed. (*Effective*

495 *October 1, 2005)*

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section
Sec. 2	<i>October 1, 2005</i>	New section
Sec. 3	<i>October 1, 2005</i>	New section
Sec. 4	<i>October 1, 2005</i>	New section
Sec. 5	<i>October 1, 2005</i>	New section
Sec. 6	<i>October 1, 2005</i>	New section
Sec. 7	<i>October 1, 2005</i>	New section
Sec. 8	<i>October 1, 2005</i>	New section
Sec. 9	<i>October 1, 2005</i>	14-65f
Sec. 10	<i>October 1, 2005</i>	New section
Sec. 11	<i>October 1, 2005</i>	38a-354
Sec. 12	<i>October 1, 2005</i>	38a-11(a)
Sec. 13	<i>October 1, 2005</i>	38a-769(a)
Sec. 14	<i>October 1, 2005</i>	38a-770
Sec. 15	<i>October 1, 2005</i>	38a-771
Sec. 16	<i>October 1, 2005</i>	38a-772
Sec. 17	<i>October 1, 2005</i>	42-271
Sec. 18	<i>October 1, 2005</i>	38a-790 repealed

TRA *Joint Favorable C/R*

INS