



General Assembly

January Session, 2005

Committee Bill No. 179

LCO No. 4633

04633SB00179GL_

Referred to Committee on General Law

Introduced by:

(GL)

**AN ACT CONCERNING THE LICENSING AND REGULATIONS OF
MOTOR VEHICLE APPRAISERS.**

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

1 Section 1. (NEW) (*Effective October 1, 2005*) (a) For purposes of
2 sections 1 to 8, inclusive, and sections 38a-769 and 42-271 of the general
3 statutes, as amended by this act, "motor vehicle physical damage
4 appraiser" means any person, partnership, association, limited liability
5 company or corporation which practices as a business the appraising
6 of damages to motor vehicles insured under automobile physical
7 damage policies or on behalf of third party claimants.

8 (b) No person may act as an appraiser for motor vehicle physical
9 damage claims on behalf of any insurance company or firm or
10 corporation engaged in the adjustment or appraisal of motor vehicle
11 claims unless the person has first secured a license from the
12 Commissioner of Consumer Protection, and has paid the license fee
13 specified in section 3 of this act, for each two-year period or fraction
14 thereof. The license shall be applied for as provided in section 2 of this
15 act. The commissioner may waive the requirement for examination in
16 the case of any applicant for a motor vehicle physical damage

17 appraiser's license who is a nonresident of this state and who holds an
18 equivalent license from any other state. Any such license issued by the
19 commissioner shall be in force until the thirtieth day of June in each
20 odd-numbered year unless sooner revoked or suspended. The license
21 may be renewed biennially upon payment of the fee specified in
22 section 3 of this act. The commissioner may adopt reasonable
23 regulations, in accordance with chapter 54 of the general statutes,
24 concerning standards for qualification, suspension or revocation of
25 such licenses and the methods by which licensees shall conduct their
26 business.

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

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

49 (b) Each application for a license shall be signed by: (1) The
50 applicant, if the application is for an individual; (2) a licensed officer, if
51 the application is for a corporation; (3) a licensed partner, if the
52 application is for a partnership; and (4) a licensed principal, if the
53 application is for any other applicant.

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

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

82 therein specified.

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

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

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

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

108 Sec. 4. (NEW) (*Effective October 1, 2005*) Whenever the Commissioner
109 of Consumer Protection receives an application for an initial license or
110 license renewal, pursuant to the requirements of section 2 of this act,
111 that is not accompanied by the required fees, the commissioner shall
112 return such application together with all accompanying fees, unless

113 the commissioner, at the commissioner's discretion, chooses to invoice
114 any such fees not submitted with the initial or renewal applications.
115 Whenever the commissioner receives an application accompanied by
116 the required fees accepted by the commissioner, all examination and
117 filing fees are deemed paid.

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

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

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

140 Sec. 6. (NEW) (*Effective October 1, 2005*) Any person wilfully
141 misrepresenting any fact required to be disclosed in any application or
142 in any other form, paper or document required to be filed with the
143 Commissioner of Consumer Protection in connection with an
144 application for a license issued by the commissioner pursuant to

145 section 2 of this act shall be fined not more than five hundred dollars
146 or imprisoned not more than six months, or both.

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

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

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

173 (c) Any person aggrieved by the action of the commissioner in
174 revoking, suspending or refusing to grant or reissue a license or in
175 imposing a fine may appeal therefrom in accordance with the
176 provisions of section 4-183 of the general statutes, except venue for

177 such appeal shall be in the judicial district of New Britain. Appeals
178 under this section shall be privileged in respect to the order of trial
179 assignment.

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

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

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

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

205 (d) No repair shop shall have a claim against a motor vehicle for
206 repairs, other than for repairs actually performed and authorized, in an
207 amount greater than that authorized by the customer under the

208 provisions of sections 14-65e to 14-65j, inclusive.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

263 (a) The commissioner shall demand and receive the following fees:

264 (1) For the annual fee for each license issued to a domestic insurance
265 company, one hundred dollars; (2) for receiving and filing annual
266 reports of domestic insurance companies, twenty-five dollars; (3) for
267 filing all documents prerequisite to the issuance of a license to an
268 insurance company, one hundred seventy-five dollars, except that the
269 fee for such filings by any health care center, as defined in section 38a-
270 175, shall be one thousand one hundred dollars; (4) for filing any
271 additional paper required by law, fifteen dollars; (5) for each certificate
272 of valuation, organization, reciprocity or compliance, twenty dollars;
273 (6) for each certified copy of a license to a company, twenty dollars; (7)
274 for each certified copy of a report or certificate of condition of a
275 company to be filed in any other state, twenty dollars; (8) for
276 amending a certificate of authority, one hundred dollars; (9) for each
277 license issued to a rating organization, one hundred dollars. In
278 addition, insurance companies shall pay any fees imposed under
279 section 12-211; (10) a filing fee of twenty-five dollars for each initial
280 application for a license made pursuant to section 38a-769; (11) with
281 respect to insurance agents' appointments: (A) A filing fee of twenty-
282 five dollars for each request for any agent appointment; (B) a fee of
283 forty dollars for each appointment issued to an agent of a domestic
284 insurance company or for each appointment continued; and (C) a fee
285 of twenty dollars for each appointment issued to an agent of any other
286 insurance company or for each appointment continued, except that no
287 fee shall be payable for an appointment issued to an agent of an
288 insurance company domiciled in a state or foreign country which does
289 not require any fee for an appointment issued to an agent of a
290 Connecticut insurance company; (12) with respect to insurance
291 producers: (A) An examination fee of seven dollars for each
292 examination taken, except when a testing service is used, the testing
293 service shall pay a fee of seven dollars to the commissioner for each
294 examination taken by an applicant; (B) a fee of forty dollars for each
295 license issued; and (C) a fee of forty dollars for each license renewed;
296 (13) with respect to public adjusters: (A) An examination fee of seven
297 dollars for each examination taken, except when a testing service is

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

332 fraternal agents, a fee of forty dollars for each license issued or
333 renewed; [(19)] (18) a fee of thirteen dollars for each license certificate
334 requested, whether or not a license has been issued; [(20)] (19) with
335 respect to domestic and foreign benefit societies shall pay: (A) For
336 service of process, twenty-five dollars for each person or insurer to be
337 served; (B) for filing a certified copy of its charter or articles of
338 association, five dollars; (C) for filing the annual report, ten dollars;
339 and (D) for filing any additional paper required by law, three dollars;
340 [(21)] (20) with respect to foreign benefit societies: (A) For each
341 certificate of organization or compliance, four dollars; (B) for each
342 certified copy of permit, two dollars; and (C) for each copy of a report
343 or certificate of condition of a society to be filed in any other state, four
344 dollars; [(22)] (21) with respect to reinsurance intermediaries: A fee of
345 five hundred dollars for each license issued or renewed; [(23)] (22)
346 with respect to viatical settlement providers: (A) A filing fee of thirteen
347 dollars for each initial application for a license made pursuant to
348 section 38a-465a; and (B) a fee of twenty dollars for each license issued
349 or renewed; [(24)] (23) with respect to viatical settlement brokers: (A) A
350 filing fee of thirteen dollars for each initial application for a license
351 made pursuant to section 38a-465a; and (B) a fee of twenty dollars for
352 each license issued or renewed; [(25)] (24) with respect to viatical
353 settlement investment agents: (A) A filing fee of thirteen dollars for
354 each initial application for a license made pursuant to section 38a-465a;
355 and (B) a fee of twenty dollars for each license issued or renewed;
356 [(26)] (25) with respect to preferred provider networks, a fee of two
357 thousand five hundred dollars for each license issued or renewed;
358 [(27)] (26) with respect to rental companies, as defined in section 38a-
359 799, a fee of forty dollars for each permit issued or renewed; and [(28)]
360 (27) with respect to each duplicate license issued a fee of twenty-five
361 dollars for each license issued.

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

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

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

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

398 application together with all accompanying fees, unless the
399 commissioner, at the commissioner's discretion, chooses to invoice any
400 such fees not submitted with the initial or renewal applications.
401 Whenever the Insurance Commissioner receives an application
402 accompanied by the required fees accepted by the commissioner, all
403 examination and filing fees are deemed earned.

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

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

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

427 (c) If, upon investigation, the commissioner determines that a
428 producer has violated the provisions of subsection (b) of this section,
429 the commissioner may, following a hearing as specified in section 38a-

430 774, impose a fine upon and suspend or revoke the license of the
431 producer.

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

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

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

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

452 (b) Within forty-five days after the return of the leased motor
453 vehicle or such earlier date as otherwise agreed by the parties, the
454 lessor shall give the lessee notice, by registered or certified mail, return
455 receipt requested, or personal delivery stating the amount of excess
456 wear and tear charges claimed and containing an itemized estimate
457 upon which they are based and indicating that the lessee may contest:
458 (1) Whether any item for which an excess wear and tear charge has
459 been claimed constitutes excess wear and tear; and (2) the amount of
460 any excess wear and tear charge. The lessor's notice shall specify the

461 names, addresses and telephone numbers of at least three persons who
462 are licensed appraisers or repair shops unaffiliated with the lessor that
463 are acceptable to the lessor. Failure to notify the lessee within the time
464 established by this subsection shall be a waiver of the lessor's right to
465 recover those charges.

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

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

487 (e) The lessor shall allow the licensed appraiser or repair shop
488 selected by the lessee reasonable access to the leased motor vehicle
489 during the time within which the lessee may obtain an appraisal. If the
490 lessor fails to retain the leased motor vehicle during the time within
491 which the lessee may obtain an appraisal or fails to allow the licensed
492 appraiser or repair shop specified by the lessee the required reasonable

493 access to the leased motor vehicle, the lessor's failure shall be a waiver
 494 of the lessor's right to recover any charges under this section.

495 Sec. 18. Section 38a-790 of the general statutes is repealed. (*Effective*
 496 *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

Statement of Purpose:

To transfer licensing authority over motor vehicle physical damage appraisers from the Department of Transportation to the Department of Consumer Protection.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. FASANO, 34th Dist.

S.B. 179