



State of Connecticut

HOUSE OF REPRESENTATIVES

STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE MARY M. MUSHINSKY
EIGHTY-FIFTH DISTRICT

188 SOUTH CHERRY STREET
WALLINGFORD, CONNECTICUT 06492
TELEPHONE
HOME: (203) 269-8378
CAPITOL: (860) 240-8500
TOLL FREE: 1-800-842-8267

ASSISTANT MAJORITY LEADER

MEMBER
SELECT COMMITTEE ON CHILDREN
ENVIRONMENT COMMITTEE
FINANCE, REVENUE AND BONDING COMMITTEE
BONDING SUB-COMMITTEE

Testimony of Rep. Mary Mushinsky In Support of HB 5611, AAC the Failure to Return
Rental Property

Before the Judiciary Committee

Public Hearing March 14, 2006
10:00 a.m. LOB Rm. 2C

I'm grateful to the Judiciary Committee for your willingness to hear this bill again. For the last several years, on behalf of the small businesses that rent equipment to residents, I have sought a way to reduce the tremendous losses to these rental shops following the refusal of renters to return equipment in a timely manner. We are not concerned with a few days' delay on small items. Rather, we seek a remedy against a few abusers of the rental system who rent a piece of equipment, often for their own small business, and keep it for weeks or months past their due date. They know full well they are in violation, and eventually return the equipment, but these scofflaws cannot or will not pay fees for the many weeks they held the equipment past the due date. If identified as a scofflaw by one shop, they simply find another unsuspecting store in another municipality.

The lost income is staggering to the rental shops. At my meeting with franchise owners from around the state, I learned of lost income in the tens of thousands of dollars per store per year. This size loss is significant to a small business. In addition, legitimate, law-abiding citizens who wish to rent the equipment are deprived of the opportunity. These stores perform an important service to the community, making it possible for people of modest means to use first-rate equipment that they could not afford to purchase themselves.

Last year, this committee approved SHB 5725, AAC the Conversion of Leased Property, but the bill died on the House calendar. That version shortened the timetable for action by the rental shops to 192 hours (8 days) by allowing enforcement to start before the lessee acknowledged receipt of the written demand to return the equipment. It would have reduced the wait by three weeks as the shop would not need to wait for the receipt for certified mail. This year's version establishes a crime of criminal trover for scofflaws

who have not returned property within 120 hours. This is a clever, novel approach, but the bill is too broadly written. The crime should be limited to failure to return equipment over a certain threshold in value, and perhaps over a longer time period. We do not wish to involve local police in the retrieval of small, everyday items such as videos or folding chairs. On the other hand, large, expensive equipment should be the target of this bill or the rental shops will suffer significant losses. The other solution to reduce their losses--to stop renting expensive equipment--hurts the honest resident who will no longer have access to the community service that rental shops provide. Thank you for your continued interest in solving this problem.