



House of Representatives

General Assembly

File No. 280

January Session, 2007

Substitute House Bill No. 5431

House of Representatives, April 3, 2007

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING TOWING OF UNREGISTERED OR UNINSURED MOTOR VEHICLES.

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

1 Section 1. Section 14-150 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2008*):

3 (a) Any person who abandons any motor vehicle within the limits of
4 any highway or upon property other than such person's own without
5 the consent of the owner thereof for a period longer than twenty-four
6 hours shall have committed an infraction and shall be fined not less
7 than eighty-five dollars. The last owner of record of a motor vehicle
8 found abandoned, as shown by the files of the Department of Motor
9 Vehicles, shall be deemed prima facie to have been the owner of such
10 motor vehicle at the time it was abandoned and the person who
11 abandoned the same or caused or procured its abandonment.

12 (b) Any inspector of the Department of Motor Vehicles, any officer
13 attached to an organized police department, any enforcement officer of

14 a parking authority authorized under an ordinance adopted pursuant
15 to section 7-204a to enforce parking regulations in the municipality in
16 which it is located or any state police officer upon discovery of any
17 motor vehicle, whether situated within or without any highway of this
18 state, which is a menace to traffic or public health or safety, shall take
19 such motor vehicle into such inspector's or officer's custody and cause
20 the same to be taken to and stored in a suitable place. Any such
21 inspector or officer, upon discovery of any motor vehicle which does
22 not have the proper registration or is without the security required by
23 section 38a-371 or with security insufficient to meet the minimum
24 requirements of said section, may take such motor vehicle into such
25 inspector's or officer's custody and cause the same to be taken to and
26 stored in a suitable place, provided the operator of such motor vehicle
27 has been issued a citation for violation of any provision of chapter 248.

28 (c) Any inspector of the Department of Motor Vehicles, any officer
29 attached to an organized police department, any enforcement officer of
30 a parking authority authorized under an ordinance adopted pursuant
31 to section 7-204a to enforce parking regulations in the municipality in
32 which it is located or any state police officer, upon discovery of any
33 motor vehicle apparently abandoned or a motor vehicle without
34 proper registration or proper security, as required by section 38a-371,
35 whether situated within or without any highway of this state, shall
36 affix to such motor vehicle a notification sticker in a manner so as to be
37 readily visible. This notification sticker shall contain the following
38 information: (1) The date and time the notification sticker was affixed
39 to the motor vehicle; (2) a statement that pursuant to this section, if the
40 motor vehicle is not removed within twenty-four hours of the time the
41 sticker was affixed, it shall be taken into custody and stored at the
42 owner's expense; (3) the location and telephone number where
43 additional information may be obtained; and (4) the identity of the
44 affixing officer. If the motor vehicle is not removed within such
45 twenty-four-hour period, the affixing department or parking authority
46 shall take such motor vehicle into its custody and cause the same to be
47 stored in a suitable place, except that such department or parking
48 authority shall make a reasonable attempt to notify the owner of any

49 such motor vehicle which is determined to be stolen prior to taking
50 such vehicle into its custody and shall allow such owner to make
51 arrangements for removal of such vehicle.

52 (d) If the motor vehicle has no registration marker plates or invalid
53 registration marker plates, and if such inspector or officer makes a
54 determination in good faith that (1) the motor vehicle is apparently
55 abandoned, (2) the market value of such motor vehicle in its current
56 condition is five hundred dollars or less, and (3) the motor vehicle is so
57 vandalized, damaged, or in disrepair as to be unusable as a motor
58 vehicle, title to such motor vehicle shall, upon taking custody of such
59 motor vehicle, immediately vest in the municipality in which the
60 motor vehicle was discovered. Within forty-eight hours of the time
61 that such motor vehicle is taken into custody, the affixing department
62 or parking authority shall notify the Commissioner of Motor Vehicles,
63 in writing, of the vehicle identification number and a description of the
64 motor vehicle. Upon sale or other disposition of the motor vehicle, the
65 affixing department or parking authority shall give written notice by
66 certified mail to the person who was the owner of such motor vehicle
67 at the time of abandonment, if known, which notice shall state that the
68 motor vehicle has been sold or otherwise disposed of. The proceeds of
69 the sale or disposition, or the fair market value of the motor vehicle in
70 its current condition, whichever is greater, less the towing and sale or
71 disposal expenses and the amount of any fines due, shall be paid to
72 such person or such person's representatives, if claimed by such
73 person or them within one year from the date of sale. If such balance is
74 not claimed within such period, it shall escheat to the municipality. If
75 the expenses incurred by the municipality for towing and the sale or
76 disposition of such motor vehicle and any such fines exceed the
77 proceeds of such sale or disposition, such person shall be liable to such
78 municipality for such excess amount.

79 (e) Within forty-eight hours of the time that a motor vehicle is taken
80 into custody and stored pursuant to subsection (b) or (c) of this section,
81 the affixing department or parking authority shall give written notice
82 by certified mail to the owner and any lienholders of such motor

83 vehicle, if the same appears on the records of the Department of Motor
84 Vehicles, which notice shall state (1) that the motor vehicle has been
85 taken into custody and stored, (2) the location of storage of the motor
86 vehicle, (3) that, unless title has already vested in the municipality
87 pursuant to subsection (d), such motor vehicle may be sold after fifteen
88 days if the market value of such motor vehicle does not exceed one
89 thousand five hundred dollars or after forty-five days if the value of
90 such motor vehicle exceeds one thousand five hundred dollars, and (4)
91 that the owner has a right to contest the validity of such taking by
92 application, on a form prescribed by the Commissioner of Motor
93 Vehicles, to the hearing officer named in such notice within ten days
94 from the date of such notice. Such application forms shall be made
95 readily available to the public at all offices of the Department of Motor
96 Vehicles, parking authorities authorized under an ordinance adopted
97 pursuant to section 7-204a to enforce parking regulations and state and
98 local police departments.

99 (f) (1) The chief executive officer of each town shall appoint a
100 suitable person, who shall not be a member of any state or local police
101 department, to be a hearing officer to hear applications to determine
102 whether or not the towing within such municipality of such motor
103 vehicle was authorized under the provisions of this section. Two or
104 more towns may join in appointing such hearing officer; provided any
105 such hearing shall be held at a location which is as near to the town
106 within which such motor vehicle was towed as is reasonable and
107 practicable. The commissioner shall establish by regulation the
108 qualifications necessary for hearing officers and procedures for the
109 holding of such hearings. If it is determined at such hearing that the
110 vehicle was not a menace to traffic, abandoned or unregistered or
111 without security required by section 38a-371, as the case may be, the
112 owner of such motor vehicle shall not be liable for any expenses
113 incurred as a result of the taking and storage of such motor vehicle, the
114 lien provisions of this section shall not apply to such owner, and the
115 department which took and stored such motor vehicle shall be liable
116 for such expenses. If the owner, prior to such determination, pays such
117 expenses and the storage charges of such motor vehicle, and it is

118 determined at such hearing that the motor vehicle was not a menace to
119 traffic, abandoned or unregistered, as the case may be, the department
120 or parking authority which took such motor vehicle shall be liable to
121 such owner for the amount paid by such owner. Any person aggrieved
122 by the decision of such hearing officer may, within fifteen days of the
123 notice of such decision, appeal to the superior court for the judicial
124 district wherein such hearing was held.

125 (2) The chief executive officer of each municipality shall designate a
126 suitable person who shall be responsible for the collection of data
127 concerning abandoned motor vehicles within such municipality and
128 the preparation and submission of periodic reports to the
129 Commissioner of Motor Vehicles which shall contain such information
130 as the commissioner may require.

131 (g) The owner or keeper of any garage or other place where such
132 motor vehicle is stored shall have a lien upon the same for such
133 owner's or keeper's storage charges. Unless title has already vested in
134 the municipality pursuant to subsection (d) of this section, if the
135 current market value of such motor vehicle as determined in good
136 faith by such owner or keeper does not exceed one thousand five
137 hundred dollars and such motor vehicle has been stored for a period of
138 not less than fifteen days, such owner or keeper may, unless an
139 application filed by the owner pursuant to subsection (e) of this section
140 is pending and the owner of such motor vehicle has notified such
141 owner or keeper that such application for hearing has been filed, sell
142 the same for storage and towing charges owed thereon, provided a
143 notice of intent to sell shall be sent to the commissioner, the owner and
144 any lienholder of record of such motor vehicle, if known, five days
145 before the sale of such vehicle. If the current market value of such
146 motor vehicle as determined in good faith by such owner or keeper
147 exceeds one thousand five hundred dollars and if such motor vehicle
148 has been so stored for a period of forty-five days, such owner or keeper
149 shall, unless an application filed by the owner pursuant to subsection
150 (e) of this section is pending and the owner of such motor vehicle has
151 notified such owner or keeper that such application for hearing has

152 been filed, sell the same at public auction for cash, at such owner's or
153 keeper's place of business, and apply the avails of such sale toward the
154 payment of such owner's or keeper's charges and the payment of any
155 debt or obligation incurred by the officer who placed the same in
156 storage, provided if the last place of abode of the owner of such motor
157 vehicle is known to or may be ascertained by such garage owner or
158 keeper by the exercise of reasonable diligence, notice of the time and
159 place of sale shall be given to such owner and any lienholder of record
160 by mailing such notice to such owner in a registered or certified letter,
161 postage paid, at such last usual place of abode, at least five days before
162 the time of sale. At any public auction held pursuant to this subsection,
163 such garage owner or keeper may set a minimum bid equal to the
164 amount of such owner's or keeper's charges and obligations with
165 respect to the tow and storage of the motor vehicle. If no such bid is
166 made, such owner or keeper may sell or dispose of such vehicle.

167 (h) The garage owner or keeper shall report the sales price, storing,
168 towing and repair charges, if any; buyer's name and address;
169 identification of the vehicle and such other information as may be
170 required in regulations which shall be adopted by the commissioner in
171 accordance with the provisions of chapter 54, to the commissioner
172 within fifteen days after the sale of the motor vehicle. The proceeds of
173 such sale, after deducting the amount due such garage owner or
174 keeper and all expenses connected with such sale, including the
175 expenses of the officer who placed such motor vehicle in storage, shall
176 be paid to the owner of such motor vehicle or such owner's legal
177 representatives, if claimed by such owner or them at any time within
178 one year from the date of such sale. If such balance is not claimed
179 within said period, it shall escheat to the state.

180 (i) If the owner of such motor vehicle placed in storage in
181 accordance with the provisions of this section does not claim such
182 motor vehicle within thirty days, the owner of such garage or other
183 place of storage shall, within forty days of the date such motor vehicle
184 was placed in storage with such owner, send a written notice to the
185 commissioner, stating the make, engine number and chassis number of

186 such motor vehicle, the date such motor vehicle was left with such
 187 owner for storage and by whom and the registration number thereof if
 188 any number plates are on such motor vehicle, which notice shall be
 189 placed on file by the commissioner and shall be subject to public
 190 inspection. The fee for filing such notice shall be five dollars. Any sale
 191 under the provisions of this section shall be void, unless the notice
 192 required by this section has been given to the commissioner.

193 (j) The Commissioner of Motor Vehicles shall adopt regulations, in
 194 accordance with the provisions of chapter 54, (1) specifying the
 195 circumstances under which title to any motor vehicle abandoned
 196 within the limits of any highway may be transferred to any person,
 197 firm or corporation towing such vehicle, and (2) establishing the
 198 procedure whereby such person, firm or corporation may obtain title
 199 to such motor vehicle.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	14-150

TRA *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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill expands the authority of state and municipal police officers, motor vehicle department inspectors, and parking authority enforcement officers to take into custody and remove certain vehicles that do not have proper registration or are lacking adequate insurance coverage, or have no insurance coverage. The bill is not anticipated to result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5431*****AN ACT CONCERNING TOWING OF UNREGISTERED OR UNINSURED MOTOR VEHICLES.*****SUMMARY:**

This bill expands the authority of state and local police, motor vehicle department inspectors, and parking authority enforcement officers to take into custody and remove from a highway certain vehicles found to be without proper registration or with no, or inadequate insurance coverage. Currently, if they discover a motor vehicle that is a menace to traffic or public health or safety, they may immediately cause it to be removed from the road and taken and stored in a suitable place. However, if the vehicle is apparently abandoned or without proper registration, but is not a menace to traffic or safety, the officer or inspector must place a sticker on it containing certain information for the vehicle owner and may not cause it to be removed for 24 hours.

The bill expands the authority of such officers or inspectors to allow them to (1) immediately remove a vehicle from the road without determining it to be a menace to traffic or safety if they find that it does not have proper registration or has no, or insufficient, insurance coverage, and they have issued the vehicle's operator a citation for a motor vehicle violation included in chapter 248 of the general statutes and (2) remove a vehicle after the 24-hour notification period if it has no, or insufficient, insurance coverage, whether or not the driver is cited for a motor vehicle violation.

EFFECTIVE DATE: July 1, 2008

BACKGROUND***Chapter 248 Traffic Violations***

Chapter 248 of the general statutes includes many, but not all traffic violations. For example, it includes serious violations like speeding, reckless driving, drunk driving, evading responsibility, and driving while under license or registration suspension, as well as numerous lesser traffic offenses, but does not include a number of violations relating to traffic control signals, such as traffic lights, stop signs, and yield signs; yielding to pedestrians in crosswalks; and local parking regulations, which are in another chapter of the motor vehicle laws.

Violations regarding lack of insurance or inadequate insurance coverage are included in chapter 248; registration-related violations are not.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 30 Nay 0 (03/16/2007)