



General Assembly

Amendment

January Session, 2007

LCO No. 9285

SB0108909285HDO

Offered by:

REP. BARRY, 12th Dist.
SEN. LOONEY, 11th Dist.
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To: Subst. Senate Bill No. 1089

File No. 95

Cal. No. 699

"AN ACT ENCOURAGING THE SAFEKEEPING OF CONSUMER INFORMATION."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 31-51i of the general statutes is amended by
4 adding subsection (h) as follows (*Effective February 1, 2008*):

5 (NEW) (h) (1) For the purposes of this subsection: (A) "Consumer
6 reporting agency" means any person who regularly engages, in whole
7 or in part, in the practice of assembling or preparing consumer reports
8 for a fee, which reports compile and report items of information on
9 consumers that are matters of public record and are likely to have an
10 adverse effect on a consumer's ability to obtain employment, but does
11 not include any public agency; (B) "consumer report" means any
12 written, oral or other communication of information bearing on an
13 individual's credit worthiness, credit standing, credit capacity,

14 character, general reputation, personal characteristics or mode of
15 living; and (C) "criminal matters of public record" means information
16 obtained from the Judicial Department relating to arrests, indictments,
17 convictions, erased records, pardons and outstanding judgments, and
18 any other conviction information, as defined in section 54-142g.

19 (2) Each consumer reporting agency that issues a consumer report
20 that is used or is expected to be used for employment purposes and
21 that includes in such report criminal matters of public record
22 concerning the consumer shall:

23 (A) At the time the consumer reporting agency issues such
24 consumer report to a person other than the consumer who is the
25 subject of the report, provide the consumer who is the subject of the
26 consumer report (i) notice that the consumer reporting agency is
27 reporting criminal matters of public record, and (ii) the name and
28 address of the person to whom such consumer report is being issued;

29 (B) Access the conviction information available to the public on the
30 Internet web site of the Judicial Department to verify, as of the date the
31 consumer report is issued, the accuracy of any criminal matters of
32 public record contained in the consumer report.

33 (C) Maintain procedures designed to ensure that any criminal
34 matter of public record reported is complete and up-to-date as of the
35 date the consumer report is issued.

36 (3) This subsection shall not apply in the case of an agency or
37 department of the United States government seeking to obtain and use
38 a consumer report for employment purposes if the head of the agency
39 or department makes a written finding pursuant to 15 USC
40 1681b(b)(4)(A).

41 Sec. 2. Section 54-142k of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective October 1, 2007*):

43 (a) Each person or agency holding conviction information or

44 nonconviction information shall establish reasonable hours and places
45 of inspection of such information.

46 (b) Each person or agency holding conviction information or
47 nonconviction information shall (1) update such information promptly
48 whenever related criminal history record information is erased,
49 modified or corrected or when a pardon is granted; and (2) post on any
50 conviction information or nonconviction information available to the
51 public a notice that the criminal history record information may
52 change daily due to erasures, corrections, pardons and other
53 modifications to individual criminal history record information and
54 that the person or agency cannot guarantee the accuracy of the
55 information except with respect to the date the information is disclosed
56 or obtained.

57 [(b)] (c) Conviction information shall be available to the public for
58 any purpose.

59 [(c)] (d) Nonconviction information shall be available to the subject
60 of the information and to [such person's] the subject's attorney
61 pursuant to this subsection and subsection [(d)] (e) of this section. Any
62 person shall, upon satisfactory proof of [his] the person's identity, be
63 entitled to inspect, for purposes of verification and correction, any
64 nonconviction information relating to [him] the person and upon [his]
65 the person's request shall be given a computer printout or photocopy
66 of such information for which a reasonable fee may be charged,
67 provided no erased record may be released except as provided in
68 subsection (f) of section 54-142a. Before releasing any exact
69 reproductions of nonconviction information to the subject of the
70 information, the agency holding such information may remove all
71 personal identifying information from such reproductions.

72 [(d)] (e) Any person may authorize, in writing, an agency holding
73 nonconviction information pertaining directly to [such] the person to
74 disclose such information to [his attorney-at-law] the person's
75 attorney. The holding agency shall permit such attorney to inspect and

76 obtain a copy of such information if both [his] the attorney's identity
77 and that of [his] the attorney's client are satisfactorily established,
78 provided no erased record may be released unless [such] the attorney
79 attests to [his] such attorney's client's intention to challenge the
80 accuracy of such record.

81 [(e)] (f) Any person who obtains nonconviction information by
82 falsely representing to be the subject of the information shall be guilty
83 of a class D felony.

84 Sec. 3. (NEW) (*Effective October 1, 2007*) Unless good cause is shown,
85 no court shall issue a rearrest warrant or a capias for failure to appear
86 as provided in section 53a-173 of the general statutes prior to four
87 o'clock p.m. of the day of the alleged failure to appear.

88 Sec. 4. Section 47-80a of the general statutes is repealed and the
89 following is substituted in lieu thereof (*Effective October 1, 2007*):

90 (a) Except to the extent prohibited by the condominium
91 instruments, and subject to any restrictions and limitations specified
92 therein, the unit owners' association, whether incorporated or
93 unincorporated, shall have the power to: (1) Employ, dismiss and
94 replace agents and employees to exercise and discharge the powers
95 and responsibilities of the association; (2) make or cause to be made
96 additional improvements on and as a part of the common elements; (3)
97 grant or withhold approval of any action by one or more unit owners
98 or other persons entitled to occupancy of any unit which would
99 change the exterior appearance of any unit or of any other portion of
100 the condominium, or elect or provide for the appointment of an
101 architectural control committee [,] to grant or withhold such approval;
102 (4) acquire, hold, convey and encumber title to real property,
103 including, but not limited to, condominium units and the common
104 elements appurtenant thereto, recreation facilities and personal
105 property; (5) sue and be sued in any court, [;] appear on behalf of all
106 unit owners before any officer, agency, board, commission or
107 department of the state or any political subdivision thereof and appeal

108 from any judgments, orders, decisions or decrees rendered by the
109 same; and (6) [to] grant easements through the common elements and
110 accept easements benefiting the condominium or any portion thereof.
111 The foregoing enumeration of powers shall not be construed to
112 prohibit the grant by the condominium instruments of other powers
113 and responsibilities to the unit owners' association, [nor] or to divest a
114 unit owners' association incorporated as a stock corporation under
115 chapter 601 or any predecessor statutes thereto, or as a nonstock
116 corporation under chapter 602 or any predecessor statutes thereto, of
117 any powers which it may exercise thereunder.

118 (b) Notwithstanding any provision of the condominium instruments
119 to the contrary, at any meeting of the unit owners to consider the final
120 adoption or ratification of any proposed budget for the condominium,
121 or on a day prior to such meeting, the board of directors shall provide
122 a reasonable opportunity for all unit owners to express their views
123 concerning the proposed budget before its adoption or ratification. At
124 least one copy of the proposed budget shall be available for inspection
125 at such meeting.

126 Sec. 5. Subsection (b) of section 47-81 of the general statutes is
127 repealed and the following is substituted in lieu thereof (*Effective*
128 *October 1, 2007*):

129 (b) (1) Records maintained by the declarant, by the association or by
130 the manager, including, but not limited to, minutes of meetings and
131 voting records of the board of directors, shall be made available for
132 examination and copying by any unit owner, [his] or the unit owner's
133 duly authorized [agents or attorneys] agent, at the expense of the unit
134 owner, during normal business hours [and after reasonable notice]
135 upon the request of such unit owner or agent.

136 (2) Notwithstanding any provision of the condominium instruments
137 to the contrary, at least fourteen days prior to entering into any loan
138 agreement on behalf of the association of unit owners, the board of
139 directors shall (A) disclose in writing to all unit owners the amount

140 and terms of the loan and the estimated effect of such loan on any
141 assessment for common expenses, and (B) afford the unit owners a
142 reasonable opportunity to submit written comments to the board of
143 directors with respect to such loan.

144 Sec. 6. Subsection (c) of section 47-245 of the general statutes is
145 repealed and the following is substituted in lieu thereof (*Effective*
146 *October 1, 2007*):

147 (c) [Within] Notwithstanding any provision of the declaration or
148 bylaws to the contrary, within thirty days after adoption of any
149 proposed budget for the common interest community, the executive
150 board shall provide a summary of the proposed budget to all the unit
151 owners and shall set a date for a meeting of the unit owners to
152 consider ratification of the proposed budget not less than fourteen
153 [nor] or more than thirty days after hand-delivery or mailing of the
154 summary. At such meeting, or on a day prior to such meeting, the
155 executive board shall provide a reasonable opportunity for all unit
156 owners to express their views concerning the proposed budget before
157 its ratification. At least one copy of the proposed budget shall be
158 available for inspection at such meeting. Unless at [that] such meeting
159 a majority of all unit owners, or any larger vote specified in the
160 declaration, reject the proposed budget, the budget is ratified, whether
161 or not a quorum is present. In the event the proposed budget is
162 rejected, the periodic budget last ratified by the unit owners shall be
163 continued until such time as the unit owners ratify a subsequent
164 budget proposed by the executive board as provided in this
165 subsection.

166 Sec. 7. Section 47-260 of the general statutes is repealed and the
167 following is substituted in lieu thereof (*Effective October 1, 2007*):

168 (a) The association shall keep financial records sufficiently detailed
169 to enable the association to comply with section 47-270. All accounting,
170 financial and other books and records of the association, including, but
171 not limited to, minutes of meetings and voting records of the executive

172 board, shall be made reasonably available by the executive board or a
173 managing agent of the association for examination and copying by any
174 unit owner, [and his] or the unit owner's authorized [agents] agent,
175 upon the request of such unit owner or agent.

176 (b) Notwithstanding any provision of the declaration or bylaws to
177 the contrary, at least fourteen days prior to entering into any loan
178 agreement on behalf of the association, the executive board shall (1)
179 disclose in writing to all unit owners the amount and terms of the loan
180 and the estimated effect of such loan on any common expense
181 assessment, and (2) afford the unit owners a reasonable opportunity to
182 submit written comments to the executive board with respect to such
183 loan.

184 Sec. 8. Section 20-450 of the general statutes is repealed and the
185 following is substituted in lieu thereof (*Effective October 1, 2007*):

186 As used in sections 20-450 to 20-462, inclusive, unless the context
187 otherwise requires:

188 (1) "Association" means (A) an association, as defined in section 47-
189 202, and an association of unit owners, as defined in section 47-68a and
190 in section 47-68 of the general statutes, revision of 1958, revised to
191 January 1, 1975, and (B) the mandatory owners organization of any
192 common interest community, as defined in section 47-202, which
193 community was not created under chapter 825 or 828 or under chapter
194 825 of the general statutes, revision of 1958, revised to January 1, 1975.
195 "Association" does not include an association of a common interest
196 community which contains only units restricted to nonresidential use;

197 (2) "Community association manager" means a person who
198 provides association management services, and includes any partner,
199 director, officer, employee or agent of such person who directly
200 provides association management services on behalf of such person;

201 (3) "Association management services" means services provided to
202 an association for remuneration, including one or more of the

203 following: (A) Collecting, controlling or disbursing funds of the
 204 association or having the authority to do so; (B) preparing budgets or
 205 other financial documents for the association; (C) assisting in the
 206 conduct of or conducting association meetings; (D) advising or
 207 assisting the association in obtaining insurance; (E) coordinating or
 208 supervising the overall operations of the association; and (F) advising
 209 the association on the overall operations of the association. Any person
 210 licensed in this state under any provision of the general statutes or
 211 rules of court who provides the services for which [he] such person is
 212 licensed to an association for remuneration [,] shall not be deemed to
 213 be providing association management services. Any director, officer or
 214 other member of an association who provides services specified in this
 215 subdivision to the association of which he or she is a member shall not
 216 be deemed to be providing association management services unless
 217 such director, officer or other member owns or controls more than
 218 two-thirds but less than all of the votes in such association;

219 (4) "Commission" means the Connecticut Real Estate Commission
 220 appointed under the provisions of section 20-311a;

221 (5) "Department" means the Department of Consumer Protection;
 222 and

223 (6) "Person" means an individual, partnership, corporation, limited
 224 liability company or other legal entity."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>February 1, 2008</i>	31-51i
Sec. 2	<i>October 1, 2007</i>	54-142k
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	47-80a
Sec. 5	<i>October 1, 2007</i>	47-81(b)
Sec. 6	<i>October 1, 2007</i>	47-245(c)
Sec. 7	<i>October 1, 2007</i>	47-260
Sec. 8	<i>October 1, 2007</i>	20-450