



General Assembly

**Amendment**

January Session, 2007

LCO No. 8081

**\*SB0108908081SD0\***

Offered by:

SEN. LOONEY, 11<sup>th</sup> Dist.

SEN. DUFF, 25<sup>th</sup> Dist.

REP. LAWLOR, 99<sup>th</sup> Dist.

SEN. PRAGUE, 19<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1089

File No. 95

Cal. No. 139

**"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 from passage*):

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) Verify any criminal matters of public record with the Judicial  
30 Department to ensure that information reported is complete and up-to-  
31 date as of the date the consumer report is issued; and

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

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

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 Section 54-142k of the general statutes is repealed and the  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

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

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

45 (b) Each person or agency holding conviction information or  
46 nonconviction information shall (1) update such information promptly  
47 whenever related criminal history record information is erased,  
48 modified or corrected or when a pardon is granted; (2) post on any  
49 conviction information or nonconviction information available to the  
50 public a notice that the criminal history record information may  
51 change daily due to erasures, corrections, pardons and other  
52 modifications to individual criminal history record information and  
53 that the person or agency cannot guarantee the accuracy of the  
54 information except with respect to the date the information is disclosed  
55 or obtained; and (3) post on any Internet web site maintained by or on  
56 behalf of the person or agency only information that is available to the  
57 public through the State Police Bureau of Identification and not  
58 information available solely through the Offender Based Tracking  
59 System developed by the Office of Policy and Management.

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

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

75 [(d)] (e) Any person may authorize, in writing, an agency holding  
76 nonconviction information pertaining directly to [such] the person to  
77 disclose such information to [his attorney-at-law] the person's  
78 attorney. The holding agency shall permit such attorney to inspect and  
79 obtain a copy of such information if both [his] the attorney's identity  
80 and that of [his] the attorney's client are satisfactorily established,  
81 provided no erased record may be released unless [such] the attorney  
82 attests to [his] such attorney's client's intention to challenge the  
83 accuracy of such record.

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

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

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

93 (a) Except to the extent prohibited by the condominium  
94 instruments, and subject to any restrictions and limitations specified  
95 therein, the unit owners' association, whether incorporated or  
96 unincorporated, shall have the power to: (1) Employ, dismiss and  
97 replace agents and employees to exercise and discharge the powers  
98 and responsibilities of the association; (2) make or cause to be made  
99 additional improvements on and as a part of the common elements; (3)  
100 grant or withhold approval of any action by one or more unit owners  
101 or other persons entitled to occupancy of any unit which would  
102 change the exterior appearance of any unit or of any other portion of  
103 the condominium, or elect or provide for the appointment of an  
104 architectural control committee [,] to grant or withhold such approval;  
105 (4) acquire, hold, convey and encumber title to real property,  
106 including, but not limited to, condominium units and the common

107 elements appurtenant thereto, recreation facilities and personal  
108 property; (5) sue and be sued in any court, [;] appear on behalf of all  
109 unit owners before any officer, agency, board, commission or  
110 department of the state or any political subdivision thereof and appeal  
111 from any judgments, orders, decisions or decrees rendered by the  
112 same; and (6) [to] grant easements through the common elements and  
113 accept easements benefiting the condominium or any portion thereof.  
114 The foregoing enumeration of powers shall not be construed to  
115 prohibit the grant by the condominium instruments of other powers  
116 and responsibilities to the unit owners' association, [nor] or to divest a  
117 unit owners' association incorporated as a stock corporation under  
118 chapter 601 or any predecessor statutes thereto, or as a nonstock  
119 corporation under chapter 602 or any predecessor statutes thereto, of  
120 any powers which it may exercise thereunder.

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

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

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

139 (2) Notwithstanding any provision of the condominium instruments  
140 to the contrary, at least fourteen days prior to entering into any loan  
141 agreement on behalf of the association of unit owners, the board of  
142 directors shall (A) disclose in writing to all unit owners the amount  
143 and terms of the loan and the estimated effect of such loan on any  
144 assessment for common expenses, and (B) afford the unit owners a  
145 reasonable opportunity to submit written comments to the board of  
146 directors with respect to such loan.

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

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

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

171       (a) The association shall keep financial records sufficiently detailed  
172 to enable the association to comply with section 47-270. All accounting,  
173 financial and other books and records of the association, including, but  
174 not limited to, minutes of meetings and voting records of the executive  
175 board, shall be made reasonably available by the executive board or a  
176 managing agent of the association for examination and copying by any  
177 unit owner, [and his] or the unit owner's authorized [agents] agent,  
178 upon the request of such unit owner or agent.

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

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

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

191       (1) "Association" means (A) an association, as defined in section 47-  
192 202, and an association of unit owners, as defined in section 47-68a and  
193 in section 47-68 of the general statutes, revision of 1958, revised to  
194 January 1, 1975, and (B) the mandatory owners organization of any  
195 common interest community, as defined in section 47-202, which  
196 community was not created under chapter 825 or 828 or under chapter  
197 825 of the general statutes, revision of 1958, revised to January 1, 1975.  
198 "Association" does not include an association of a common interest  
199 community which contains only units restricted to nonresidential use;

200       (2) "Community association manager" means a person who  
201 provides association management services, and includes any partner,  
202 director, officer, employee or agent of such person who directly

203 provides association management services on behalf of such person;

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

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

224 (5) "Department" means the Department of Consumer Protection;  
 225 and

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</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