



General Assembly

**Amendment**

January Session, 2009

LCO No. 7680

**\*SB0083807680SDO\***

Offered by:

SEN. WILLIAMS, 29<sup>th</sup> Dist.  
SEN. LOONEY, 11<sup>th</sup> Dist.  
SEN. GAFFEY, 13<sup>th</sup> Dist.  
SEN. HANDLEY, 4<sup>th</sup> Dist.

SEN. MCDONALD, 27<sup>th</sup> Dist.  
SEN. STILLMAN, 20<sup>th</sup> Dist.  
SEN. SLOSSBERG, 14<sup>th</sup> Dist.  
SEN. COLAPIETRO, 31<sup>st</sup> Dist.

To: Subst. Senate Bill No. 838

File No. 753

Cal. No. 516

**"AN ACT CONCERNING CONSUMER PRIVACY AND IDENTITY THEFT."**

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

3 "Section 1. Section 53a-129a of the general statutes is repealed and  
4 the following is substituted in lieu thereof (*Effective October 1, 2009*):

5 (a) A person commits identity theft when such person [intentionally  
6 obtains personal identifying information of another person without the  
7 authorization of such other person and] knowingly uses [that] personal  
8 identifying information of another person to obtain or attempt to  
9 obtain, in the name of such other person, money, credit, goods,  
10 services, property or medical information [in the name of such other  
11 person] without the consent of such other person.

12 (b) As used in this section, "personal identifying information" means

13 any name, number or other information that may be used, alone or in  
14 conjunction with any other information, to identify a specific  
15 individual including, but not limited to, such individual's name, date  
16 of birth, mother's maiden name, motor vehicle operator's license  
17 number, Social Security number, employee identification number,  
18 employer or taxpayer identification number, alien registration number,  
19 government passport number, health insurance identification number,  
20 demand deposit account number, savings account number, credit card  
21 number, debit card number or unique biometric data such as  
22 fingerprint, voice print, retina or iris image, or other unique physical  
23 representation.

24 Sec. 2. Section 53a-129b of the general statutes is repealed and the  
25 following is substituted in lieu thereof (*Effective October 1, 2009*):

26 (a) A person is guilty of identity theft in the first degree when such  
27 person commits identity theft, as defined in section 53a-129a, as  
28 amended by this act, of another person and (1) such other person is  
29 under sixty years of age, and the value of the money, credit, goods,  
30 services or property obtained exceeds ten thousand dollars, or (2) such  
31 other person is sixty years of age or older, and the value of the money,  
32 credit, goods, services or property obtained exceeds five thousand  
33 dollars.

34 (b) Identity theft in the first degree is a class B felony.

35 Sec. 3. Section 53a-129c of the general statutes is repealed and the  
36 following is substituted in lieu thereof (*Effective October 1, 2009*):

37 (a) A person is guilty of identity theft in the second degree when  
38 such person commits identity theft, as defined in section 53a-129a, as  
39 amended by this act, of another person and such other person is under  
40 sixty years of age, and the value of the money, credit, goods, services  
41 or property obtained exceeds five thousand dollars, or such other  
42 person is sixty years of age or older.

43 (b) Identity theft in the second degree is a class C felony.

44 Sec. 4. Section 53a-130 of the general statutes is repealed and the  
45 following is substituted in lieu thereof (*Effective October 1, 2009*):

46 (a) A person is guilty of criminal impersonation when [he] such  
47 person: (1) Impersonates another and does an act in such assumed  
48 character with intent to obtain a benefit or to injure or defraud another;  
49 or (2) pretends to be a representative of some person or organization  
50 and does an act in such pretended capacity with intent to obtain a  
51 benefit or to injure or defraud another; or (3) pretends to be a public  
52 servant other than a sworn member of an organized local police  
53 department or the Division of State Police within the Department of  
54 Public Safety, or wears or displays without authority any uniform,  
55 badge or shield by which such public servant is lawfully  
56 distinguished, with intent to induce another to submit to such  
57 pretended official authority or otherwise to act in reliance upon that  
58 pretense.

59 (b) Criminal impersonation is a class [B] A misdemeanor.

60 Sec. 5. (NEW) (*Effective October 1, 2009*) (a) For the purposes of this  
61 section, (1) "access device" includes, but is not limited to, any card,  
62 plate, code, account number, mobile identification number, personal  
63 identification number, telecommunication service access equipment,  
64 card-reading device, scanning device, reencoder or other means that  
65 could be used to access financial resources or obtain the financial  
66 information, personal information or benefits of another person, and  
67 (2) "personal identifying information" has the same meaning as  
68 provided in section 53a-129a of the general statutes, as amended by  
69 this act.

70 (b) A person is guilty of unlawful possession of a personal  
71 identifying information access device when such person possesses an  
72 access device, document-making equipment or authentication  
73 implement for the purpose of fraudulently altering, obtaining or using  
74 the personal identifying information of another person.

75 (c) Unlawful possession of an access device is a class A

76 misdemeanor.

77 Sec. 6. (NEW) (*Effective October 1, 2009*) (a) Any license, registration  
78 or certificate issued by the state or any political subdivision of the state  
79 that was based upon an application containing any material false  
80 statement of personal identifying information, as defined in section  
81 53a-129a of the general statutes, as amended by this act, is void from  
82 the date of issuance and shall be surrendered, on demand, to the  
83 issuing authority, provided the issuing authority has complied with  
84 the notice requirements set forth in subsection (c) of section 4-182 of  
85 the general statutes. Any moneys paid for such license, registration or  
86 certificate shall be forfeited to the issuing authority.

87 (b) No person shall obtain, attempt to obtain or assist in the  
88 procurement of any license, registration or certificate for another  
89 person by misrepresentation or impersonation.

90 (c) Any license, registration or certificate obtained by  
91 misrepresentation or impersonation is void from the date of issuance  
92 and shall be surrendered, on demand, to the issuing authority,  
93 provided the issuing authority has complied with the notice  
94 requirements set forth in subsection (c) of section 4-182 of the general  
95 statutes. Any moneys paid for such license, registration or certificate  
96 shall be forfeited to the issuing authority.

97 (d) Nothing in this section shall be construed as a limitation upon  
98 the power or authority of the state or any political subdivision thereof  
99 to seek any administrative, legal or equitable relief permitted by law.

100 (e) Any person who violates subsection (b) of this section shall be  
101 guilty of a class A misdemeanor.

102 Sec. 7. Section 52-571h of the general statutes is repealed and the  
103 following is substituted in lieu thereof (*Effective October 1, 2009*):

104 (a) Any person aggrieved by an act constituting a violation of  
105 section 53a-129a of the general statutes, revision of 1958, revised to

106 January 1, 2003, or section 53a-129b, as amended by this act, 53a-129c,  
107 as amended by this act, [or] 53a-129d or 53a-129e may bring a civil  
108 action in the Superior Court for damages against the person who  
109 committed the violation.

110 (b) In any civil action brought under this section in which the  
111 plaintiff prevails, the court shall award the greater of one thousand  
112 dollars or treble damages, together with costs and a reasonable  
113 attorney's fee. Damages shall include, but need not be limited to,  
114 documented lost wages and any financial loss suffered by the plaintiff  
115 as a result of identity theft, as defined in section 53a-129a, as amended  
116 by this act, section 53a-129b, as amended by this act, or section 53a-  
117 129c, as amended by this act. The court may award other remedies  
118 provided by law, including, but not limited to, the costs of providing  
119 not less than two years of commercially available identity theft  
120 monitoring and protection for such individual.

121 (c) No action under this section shall be brought but within [two]  
122 three years from the date when the violation is discovered or in the  
123 exercise of reasonable care should have been discovered.

124 Sec. 8. Section 54-93a of the general statutes is repealed and the  
125 following is substituted in lieu thereof (*Effective October 1, 2009*):

126 Whenever a person is convicted of a violation of section 53a-129a of  
127 the general statutes, revision of 1958, revised to January 1, 2003, [or]  
128 section 53a-129b, as amended by this act, 53a-129c, as amended by this  
129 act, [or] 53a-129d or 53a-129e, the court [may] shall issue such orders  
130 as are necessary to correct a public record that contains false  
131 information as a result of such violation.

132 Sec. 9. Subsection (e) of section 54-1d of the general statutes is  
133 repealed and the following is substituted in lieu thereof (*Effective*  
134 *October 1, 2009*):

135 (e) Any defendant who is charged with a violation of section 53a-  
136 129a of the general statutes, revision of 1958, revised to January 1, 2003,

137 [or] section 53a-129b, as amended by this act, 53a-129c, [or] as  
138 amended by this act, 53a-129d or 53a-129e, and any defendant who is  
139 charged with any other offense committed as a result of such violation  
140 may be presented to the court in the geographical area in which the  
141 person whose personal identifying information has been obtained and  
142 used by the defendant resides and may be prosecuted in such  
143 geographical area or judicial district.

144 Sec. 10. (NEW) (*Effective October 1, 2009*) (a) Each employer shall  
145 obtain and retain employment applications in a secure manner and  
146 shall employ reasonable measures to destroy or make unreadable such  
147 employment applications upon disposal. Such measures shall, at a  
148 minimum, include the shredding or other means of permanent  
149 destruction of such employment applications in a secure setting. For  
150 purposes of this section, "employer" shall have the meaning prescribed  
151 to such term in section 31-128a of the general statutes.

152 (b) Any person or entity that violates the provisions of this section  
153 shall be subject to a civil penalty of five hundred dollars for each  
154 violation, provided such civil penalty shall not exceed five hundred  
155 thousand dollars for any single event.

156 (c) The provisions of this section shall not apply to any agency or  
157 political subdivision of the state.

158 (d) Any civil penalties received pursuant to this section shall be  
159 deposited into the privacy protection guaranty and enforcement  
160 account established pursuant to section 16 of this act.

161 Sec. 11. (NEW) (*Effective October 1, 2009*) (a) Any license, registration  
162 or certificate issued by the state or any political subdivision of the  
163 state, that is physically altered to conceal or misrepresent a material  
164 fact, is void from the date of such alteration and shall be surrendered,  
165 on demand, to the issuing authority, provided the issuing authority  
166 has complied with notice requirements set forth in subsection (c) of  
167 section 4-182 of the general statutes. Any moneys paid for such license,  
168 registration or certificate shall be forfeited to the issuing authority.

169 (b) No person shall alter any license, registration or certificate issued  
170 by the state or any political subdivision of the state.

171 (c) Any license, registration or certificate altered in violation of  
172 subsection (b) of this section shall be void from the date of alteration  
173 and shall be surrendered, on demand, to the issuing authority,  
174 provided the issuing authority has complied with notice requirements  
175 set forth in subsection (c) of section 4-182 of the general statutes. Any  
176 moneys paid for such license, registration or certificate shall be  
177 forfeited to the issuing authority.

178 (d) Nothing in this section shall be construed as a limitation upon  
179 the power or authority of the state or any political subdivision thereof  
180 to seek any administrative, legal or equitable relief permitted by law.

181 (e) Any person who violates subsection (b) of this section shall be  
182 guilty of a class A misdemeanor.

183 Sec. 12. (NEW) (*Effective October 1, 2009*) (a) All property  
184 constituting, or derived from, the proceeds obtained, directly or  
185 indirectly, by a person as a result of a violation of section 53a-129a of  
186 the general statutes, revision of 1958, revised to January 1, 2003, section  
187 53a-129b of the general statutes, as amended by this act, 53a-129c of the  
188 general statutes, as amended by this act, 53a-129d of the general  
189 statutes, 53a-129e of the general statutes or 53a-130 of the general  
190 statutes, as amended by this act, or section 5, 6 or 11 of this act shall be  
191 subject to forfeiture to the state pursuant to subsection (b) of this  
192 section.

193 (b) Not later than ninety days after the seizure of property subject to  
194 forfeiture pursuant to subsection (a) of this section, the Chief State's  
195 Attorney or a deputy chief state's attorney, state's attorney or assistant  
196 or deputy assistant state's attorney may petition the court in the nature  
197 of a proceeding in rem to order forfeiture of said moneys or property.  
198 Such proceeding shall be deemed a civil suit in equity, in which the  
199 state shall have the burden of proving all material facts by clear and  
200 convincing evidence. The court shall identify the owner of such

201 property and any other person as appears to have an interest therein,  
202 and order the state to give notice to such owner and any interested  
203 person by certified or registered mail, and shall promptly, but not less  
204 than two weeks after notice, hold a hearing on the petition. No  
205 testimony offered or evidence produced by such owner or interested  
206 person at such hearing and no evidence discovered as a result of or  
207 otherwise derived from such testimony or evidence, may be used  
208 against such owner or interested person in any proceeding, except that  
209 no such owner or interested person shall be immune from prosecution  
210 for perjury or contempt committed while giving such testimony or  
211 producing such evidence. At such hearing the court shall hear  
212 evidence and make findings of fact and enter conclusions of law and  
213 shall issue a final order, from which the parties shall have such right of  
214 appeal as from a decree in equity.

215 (c) No property shall be forfeited under this section to the extent of  
216 the interest of an owner or lienholder by reason of any act or omission  
217 committed by another person if such owner or lienholder did not  
218 know and could not have reasonably known that such property was  
219 being used or was intended to be used in, or was derived from,  
220 criminal activity.

221 (d) Notwithstanding the provisions of subsection (a) of this section,  
222 no property used or intended to be used by the owner thereof to pay  
223 legitimate attorney's fees in connection with his defense in a criminal  
224 prosecution shall be subject to forfeiture under this section.

225 (e) Any property ordered forfeited pursuant to subsection (b) of this  
226 section shall be sold at public auction conducted by the Commissioner  
227 of Administrative Services.

228 (f) The proceeds from any sale of property under subsection (e) of  
229 this section shall be applied: (1) To payment of the balance due on any  
230 lien preserved by the court in the forfeiture proceedings; (2) to  
231 payment of any costs incurred for the storage, maintenance, security  
232 and forfeiture of such property; and (3) to payment of court costs. The

233 balance, if any, shall be deposited the privacy protection guaranty and  
234 enforcement account established under section 16 of this act.

235 Sec. 13. Subsection (g) of section 42-471 of the general statutes is  
236 repealed and the following is substituted in lieu thereof (*Effective from*  
237 *passage*):

238 (g) Any civil penalties received pursuant to this section shall be  
239 deposited into the privacy protection guaranty and enforcement  
240 account established pursuant to section [19 of substitute senate bill 30  
241 of the February 2008, regular session\*] 16 of this act.

242 Sec. 14. Section 42-470 of the general statutes is repealed and the  
243 following is substituted in lieu thereof (*Effective October 1, 2009*):

244 (a) For the purposes of this section, "person" means any individual,  
245 firm, partnership, association, corporation, limited liability company,  
246 organization or other entity, but does not include the state or any  
247 political subdivision of the state, or any agency thereof.

248 (b) Except as provided in subsection (c) of this section, [on and after  
249 January 1, 2005,] no person shall:

250 (1) Publicly post or publicly display in any manner an individual's  
251 Social Security number. For the purposes of this subdivision, "publicly  
252 post" or "publicly display" means to intentionally communicate or  
253 otherwise make available to the general public;

254 (2) Print an individual's Social Security number on any card  
255 required for the individual to access products or services provided by  
256 such person;

257 (3) Require an individual to transmit such individual's Social  
258 Security number over the Internet, unless the connection is secure or  
259 the Social Security number is encrypted; or

260 (4) Require an individual to use such individual's Social Security  
261 number to access an Internet web site, unless a password or unique

262 personal identification number or other authentication device is also  
263 required to access the Internet web site.

264 (c) The provisions of subsection (b) of this section shall apply with  
265 respect to group and individual health insurance policies providing  
266 coverage of the type specified in subdivisions (1), (2), (4), (6), (10) and  
267 (12) of section 38a-469 that are delivered, issued for delivery, amended,  
268 renewed or continued on and after July 1, 2005.

269 (d) This section does not prevent the collection, use or release of a  
270 Social Security number as required by state or federal law or the use of  
271 a Social Security number for internal verification or administrative  
272 purposes.

273 (e) Any person who wilfully violates the provisions of subsection (b)  
274 of this section shall be fined not more than one hundred dollars for a  
275 first offense and not more than five hundred dollars for a second  
276 offense, and shall be fined not more than one thousand dollars or be  
277 imprisoned not more than six months, or both, for each subsequent  
278 offense.

279 (f) Any person who wilfully violates the provisions of subsection (b)  
280 of this section shall be subject to a civil penalty of five hundred dollars  
281 for each such violation, provided such civil penalty shall not exceed  
282 five hundred thousand dollars for any single event.

283 (g) All civil penalties received pursuant to subsection (f) of this  
284 section shall be deposited into the privacy protection guaranty and  
285 enforcement account established under section 16 of this act.

286 Sec. 15. (NEW) (*Effective from passage*) (a) Except as otherwise  
287 provided in section 42-471 of the general statutes, as amended by this  
288 act, the Commissioner of Consumer Protection may conduct  
289 investigations and hold hearings on any matter under the provisions of  
290 section 42-470 of the general statutes, as amended by this act, or 42-471  
291 of the general statutes, as amended by this act, section 10, 14 or 17 of  
292 this act or any regulation adopted pursuant to section 19 of this act.

293 The commissioner may issue subpoenas, administer oaths, compel  
294 testimony and order the production of books, records, papers and  
295 documents. If any person refuses to appear, testify or produce any  
296 book, record, paper or document when so ordered, upon application of  
297 the commissioner, the Superior Court may make such order as may be  
298 appropriate to aid in the enforcement of this section.

299 (b) (1) The Attorney General, at the request of the Commissioner of  
300 Consumer Protection, may apply to the Superior Court for an order  
301 temporarily or permanently restraining and enjoining any person from  
302 violating any provision of section 42-470 of the general statutes, as  
303 amended by this act, or 42-471 of the general statutes, as amended by  
304 this act, section 10, 14 or 17 of this act or any regulation adopted  
305 pursuant to section 19 of this act.

306 (2) The Attorney General, at the request of any other state agency  
307 charged with enforcement of section 42-471 of the general statutes, as  
308 amended by this act, pursuant to subsection (d) of said section, may  
309 apply to the Superior Court for an order temporarily or permanently  
310 restraining and enjoining any person from violating any provision of  
311 section 42-471 of the general statutes, as amended by this act.

312 Sec. 16. (NEW) (*Effective from passage*) (a) There is established a  
313 "privacy protection guaranty and enforcement account" which shall be  
314 a nonlapsing account within the General Fund. The account may  
315 contain any moneys required by law to be deposited in the account.  
316 The account shall be used by the Commissioner of Consumer  
317 Protection: (1) For the reimbursement of losses sustained by  
318 individuals injured by a violation of the provisions of section 42-470 of  
319 the general statutes, as amended by this act, or 42-471 of the general  
320 statutes, as amended by this act, section 10, 14 or 17 of this act or any  
321 regulation adopted pursuant to section 19 of this act, and (2) for the  
322 enforcement of provisions of section 42-470 of the general statutes, as  
323 amended by this act, or 42-471 of the general statutes, as amended by  
324 this act, section 10, 14 or 17 of this act or any regulation adopted  
325 pursuant to section 19 of this act.

326 (b) Payments received pursuant to section 42-470 of the general  
327 statutes, as amended by this act, or 42-471 of the general statutes, as  
328 amended by this act, section 10, 14 or 17 of this act or any regulation  
329 adopted pursuant to section 19 of this act, shall be credited to the  
330 privacy protection guaranty and enforcement account. Any money in  
331 the privacy protection guaranty and enforcement account may be  
332 invested or reinvested and any interest arising from such investments  
333 shall be credited to said account.

334 (c) Whenever an individual obtains a court judgment against any  
335 person or entity for a violation of section 42-470 of the general statutes,  
336 as amended by this act, or 42-471 of the general statutes, as amended  
337 by this act, section 10, 14 or 17 of this act or any regulation adopted  
338 pursuant to section 19 of this act, such individual may, upon the final  
339 determination of, or expiration of time for appeal in connection with  
340 any such judgment, apply to the Commissioner of Consumer  
341 Protection for an order directing payment out of said account of the  
342 amount unpaid upon the judgment for actual damages and costs taxed  
343 by the court against the person or entity, exclusive of punitive  
344 damages. The application shall be made on forms provided by the  
345 commissioner and shall be accompanied by a certified copy of the  
346 court judgment obtained against the person or entity, together with a  
347 notarized affidavit, signed and sworn to by the individual, affirming  
348 that the individual: (1) Has complied with all the requirements of this  
349 subsection; (2) has obtained a judgment stating the amount thereof and  
350 the amount owing thereon at the date of application; and (3) except for  
351 a judgment obtained by the individual in small claims court, has  
352 caused to be issued a writ of execution upon such judgment, and the  
353 officer executing the same has made a return showing that no bank  
354 accounts or real property of the person or entity liable to be levied  
355 upon in satisfaction of the judgment could be found, or that the  
356 amount realized on the sale of them or of such of them as were found,  
357 under the execution, was insufficient to satisfy the actual damage  
358 portion of the judgment, or stating the amount realized and the  
359 balance remaining due on the judgment after application thereon of

360 the amount realized. A true and attested copy of such executing  
361 officer's return, when required, shall be attached to such application  
362 and affidavit.

363 (d) Upon receipt of such application together with such certified  
364 copy of the court judgment, notarized affidavit and true and attested  
365 copy of the executing officer's return, when required, the  
366 commissioner or the commissioner's designee shall inspect such  
367 documents for their veracity and upon a determination that such  
368 documents are complete and authentic, and a determination that the  
369 individual has not been paid, the commissioner shall order payment  
370 out of said account of the amount unpaid upon the judgment for actual  
371 damages and costs taxed by the court against the person or entity,  
372 exclusive of punitive damages.

373 (e) Whenever an individual is awarded an order of restitution  
374 against any person or entity for loss or damages sustained by reason of  
375 a violation of section 10, 14 or 17 of this act or any regulation adopted  
376 pursuant to section 19 of this act in a proceeding brought by the  
377 Attorney General at the request of the commissioner pursuant to  
378 section 42-470 of the general statutes, as amended by this act, or 42-471  
379 of the general statutes, as amended by this act, or in a proceeding  
380 brought by the Attorney General, such individual may, upon the final  
381 determination of, or expiration of time for appeal in connection with  
382 any such order of restitution, apply to the commissioner for an order  
383 directing payment out of said account of the amount unpaid upon the  
384 order of restitution. The commissioner may issue such order upon a  
385 determination that the individual has not been paid.

386 (f) Before the commissioner shall issue any order directing payment  
387 out of the account to an individual pursuant to this section, the  
388 commissioner shall first notify the person or entity of the individual's  
389 application for an order directing payment out of the account and of  
390 the person or entity's right to a hearing to contest the disbursement in  
391 the event that the person or entity has already paid the individual.  
392 Such notice shall be given to the person or entity not later than fifteen

393 days after the receipt by the commissioner of the individual's  
394 application for an order directing payment out of said account. If the  
395 person or entity requests a hearing in writing by certified mail not later  
396 than fifteen days after receipt of the notice from the commissioner, the  
397 commissioner shall grant such request and shall conduct a hearing in  
398 accordance with the provisions of chapter 54 of the general statutes. If  
399 the commissioner receives no written request by certified mail from  
400 the person or entity for a hearing not later than fifteen days after the  
401 person's or entity's receipt of such notice, the commissioner shall  
402 determine that the individual has not been paid, and the commissioner  
403 shall issue an order directing payment out of said account for the  
404 amount unpaid upon the judgment for actual damages and costs taxed  
405 by the court against the person or entity, exclusive of punitive  
406 damages, or for the amount unpaid upon the order of restitution.

407 (g) The commissioner or the commissioner's designee may proceed  
408 against any person or entity for an order of restitution arising from loss  
409 or damages sustained by any individual by reason of such person's or  
410 entity's violation of any of the provisions of section 42-470 of the  
411 general statutes, as amended by this act, or 42-471 of the general  
412 statutes, as amended by this act, section 10, 14 or 17 of this act or any  
413 regulation adopted pursuant to section 19 of this act. Any such  
414 proceeding shall be held in accordance with the provisions of chapter  
415 54 of the general statutes. In the course of such proceeding, the  
416 commissioner or the commissioner's designee shall decide whether to  
417 order restitution arising from such loss or damages, and whether to  
418 order payment out of said account. The commissioner or the  
419 commissioner's designee may hear complaints of all individuals  
420 submitting claims against a single person or entity in one proceeding.

421 (h) No application for an order directing payment out of said  
422 account shall be made later than three years from the final  
423 determination of or expiration of time for appeal in connection with  
424 any judgment or order of restitution.

425 (i) Whenever an individual satisfies the commissioner or the

426 commissioner's designee that it is not practicable to comply with the  
427 requirements of subdivision (3) of subsection (c) of this section and  
428 that the individual has taken all reasonable steps to collect the amount  
429 of the judgment or the unsatisfied part thereof and has been unable to  
430 collect the same, said commissioner or said designee may, in his or her  
431 discretion, dispense with the necessity for complying with such  
432 requirement.

433 (j) In order to preserve the integrity of said account, the  
434 commissioner, in his or her sole discretion, may order payment out of  
435 said account of an amount less than the actual loss or damages  
436 incurred by the individual or less than the order of restitution awarded  
437 by the commissioner or the Superior Court.

438 (k) If the money deposited in said account is insufficient to satisfy  
439 any duly authorized claim or portion thereof, the commissioner shall,  
440 when sufficient money has been deposited in the account, satisfy such  
441 unpaid claims or portions thereof, in the order that such claims or  
442 portions thereof were originally determined.

443 (l) When the commissioner has caused any sum to be paid from said  
444 account to an individual, the commissioner shall be subrogated to all  
445 of the rights of the individual up to the amount paid plus reasonable  
446 interest, and prior to receipt of any payment from said account, the  
447 individual shall assign all of this right, title and interest in the claim up  
448 to such amount to the commissioner, and any amount and interest  
449 recovered by the commissioner on the claim shall be deposited in said  
450 account.

451 (m) If the commissioner orders the payment of any amount as a  
452 result of a claim against any party, said commissioner shall determine  
453 if the person or entity is possessed of assets liable to be sold or applied  
454 in satisfaction of the claim on said account. If the commissioner  
455 discovers any such assets, the Attorney General shall take any action  
456 necessary for the reimbursement of said account.

457 (n) If the commissioner orders the payment of an amount as a result

458 of a claim against any party, said commissioner may enter into an  
459 agreement with the party whereby the party agrees to repay said  
460 account in full in the form of periodic payments over a set period of  
461 time.

462 Sec. 17. (NEW) (*Effective October 1, 2009*) Any person filing with the  
463 Commissioner of Consumer Protection any notice, statement or other  
464 document required under the provisions of section 42-470 of the  
465 general statutes, as amended by this act, or 42-471 of the general  
466 statutes, as amended by this act, section 10 of this act, sections 14 to 18,  
467 inclusive, of this act or of any regulation adopted pursuant to section  
468 19 of this act, which is false or untrue or contains any material  
469 misstatement of fact shall be fined not less than five hundred dollars  
470 nor more than five thousand dollars for each violation. All fines  
471 received pursuant to this section shall be deposited in the privacy  
472 protection guaranty and enforcement account established pursuant to  
473 section 16 of this act.

474 Sec. 18. (NEW) (*Effective from passage*) Any person aggrieved by any  
475 decision or order of the Commissioner of Consumer Protection  
476 pursuant to section 42-470 of the general statutes, as amended by this  
477 act, or 42-471 of the general statutes, as amended by this act, as  
478 applicable, section 10 of this act, sections 14 to 18, inclusive, of this act  
479 or any regulation adopted pursuant to section 19 of this act, may  
480 appeal in accordance with the provisions of chapter 54 of the general  
481 statutes.

482 Sec. 19. (NEW) (*Effective from passage*) (a) The Commissioner of  
483 Consumer Protection may adopt regulations, in accordance with the  
484 provisions of chapter 54 of the general statutes, to carry out the  
485 provisions of section 42-470 of the general statutes, as amended by this  
486 act, or 42-471 of the general statutes, as amended by this act, as  
487 applicable, section 10 or sections 14 to 18, inclusive, of this act.

488 (b) Any person who wilfully violates the provisions of any  
489 regulation adopted by the commissioner pursuant to subsection (a) of

490 this section shall be subject to a civil penalty of five hundred dollars for  
 491 each violation, provided such penalty shall not exceed five hundred  
 492 thousand dollars for any single event.

493 (c) All civil penalties received pursuant to subsection (b) of this  
 494 section shall be deposited into the privacy protection guaranty and  
 495 enforcement account established under section 16 of this act."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	53a-129a
Sec. 2	<i>October 1, 2009</i>	53a-129b
Sec. 3	<i>October 1, 2009</i>	53a-129c
Sec. 4	<i>October 1, 2009</i>	53a-130
Sec. 5	<i>October 1, 2009</i>	New section
Sec. 6	<i>October 1, 2009</i>	New section
Sec. 7	<i>October 1, 2009</i>	52-571h
Sec. 8	<i>October 1, 2009</i>	54-93a
Sec. 9	<i>October 1, 2009</i>	54-1d(e)
Sec. 10	<i>October 1, 2009</i>	New section
Sec. 11	<i>October 1, 2009</i>	New section
Sec. 12	<i>October 1, 2009</i>	New section
Sec. 13	<i>from passage</i>	42-471(g)
Sec. 14	<i>October 1, 2009</i>	42-470
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>October 1, 2009</i>	New section
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	New section