



General Assembly

February Session, 2012

***Raised Bill No. 418***

LCO No. 2103

\*02103\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT ADOPTING THE UNIFORM ELECTRONIC LEGAL MATERIAL ACT AND THE UNIFORM CERTIFICATE OF TITLE FOR VESSELS ACT.***

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

1 Section 1. (NEW) (*Effective July 1, 2013*) Sections 1 to 11, inclusive, of  
2 this act may be cited as the Uniform Electronic Legal Material Act.

3 Sec. 2. (NEW) (*Effective July 1, 2013*) As used in sections 1 to 11,  
4 inclusive, of this act:

5 (1) "Electronic" means relating to technology having electrical,  
6 digital, magnetic, wireless, optical, electromagnetic or similar  
7 capabilities;

8 (2) "Legal material" means, whether or not in effect:

9 (A) The Constitution of the State of Connecticut;

10 (B) The General Statutes of the State of Connecticut;

11 (C) The Regulations of Connecticut State Agencies; and

12 (D) The reported decisions of the following state courts: The  
13 Supreme Court, the Appellate Court and the Superior Court;

14 (3) "Official publisher" means: (A) For the Constitution of the State  
15 of Connecticut, the Secretary of the State;

16 (B) For the General Statutes of the State of Connecticut, the Joint  
17 Committee on Legislative Management;

18 (C) For the Regulations of Connecticut State Agencies, the Secretary  
19 of the State; and

20 (D) For the reported decisions of the Supreme Court, the Appellate  
21 Court and the Superior Court, the Commission on Official Legal  
22 Publications;

23 (4) "Publish" means to display, present or release to the public, or  
24 cause to be displayed, presented or released to the public by the  
25 official publisher;

26 (5) "Record" means information that is inscribed on a tangible  
27 medium or that is stored in an electronic or other medium and is  
28 retrievable in perceivable form;

29 (6) "State" means a state of the United States, the District of  
30 Columbia, Puerto Rico, the United States Virgin Islands, or any  
31 territory or insular possession subject to the jurisdiction of the United  
32 States.

33 Sec. 3. (NEW) (*Effective July 1, 2013*) Sections 1 to 11, inclusive, of  
34 this act apply to all legal material in an electronic record that is  
35 designated as official under section 4 of this act and first published  
36 electronically on or after July 1, 2013.

37 Sec. 4. (NEW) (*Effective July 1, 2013*) (a) If an official publisher  
38 publishes legal material only in an electronic record, the publisher  
39 shall: (1) Designate the electronic record as official; and (2) comply

40 with sections 5, 7 and 8 of this act.

41 (b) An official publisher that publishes legal material in an  
42 electronic record and also publishes the material in a record other than  
43 an electronic record may designate the electronic record as official if  
44 the publisher complies with sections 5, 7 and 8 of this act.

45 Sec. 5. (NEW) (*Effective July 1, 2013*) An official publisher of legal  
46 material in an electronic record that is designated as official under  
47 section 4 of this act shall authenticate the electronic record. To  
48 authenticate an electronic record, the official publisher shall provide a  
49 method for a user to determine that the electronic record received by  
50 the user from the official publisher is unaltered from the official record  
51 published by the official publisher.

52 Sec. 6. (NEW) (*Effective July 1, 2013*) (a) Legal material in an  
53 electronic record that is authenticated under section 5 of this act is  
54 presumed to be an accurate copy of the legal material.

55 (b) If another state has adopted a law substantially similar to the  
56 provisions of sections 1 to 11, inclusive, of this act, legal material in an  
57 electronic record that is designated as official and authenticated by the  
58 official publisher in that state is presumed to be an accurate copy of the  
59 legal material.

60 (c) A party contesting the authentication of legal material in an  
61 electronic record authenticated under section 5 of this act has the  
62 burden of proving by a preponderance of the evidence that the record  
63 is not authentic.

64 Sec. 7. (NEW) (*Effective July 1, 2013*) (a) An official publisher of legal  
65 material in an electronic record that is or was designated as official  
66 under section 4 of this act shall provide for the preservation and  
67 security of the record in an electronic form or a form that is not  
68 electronic.

69 (b) If legal material is preserved in an electronic record under

70 subsection (a) of this section, the official publisher shall: (1) Ensure the  
71 integrity of the electronic record; (2) provide for backup and disaster  
72 recovery of the electronic record; and (3) ensure the continuing  
73 usability of the legal material.

74 Sec. 8. (NEW) (*Effective July 1, 2013*) An official publisher of legal  
75 material in an electronic record that is required to be preserved under  
76 section 7 of this act shall ensure that the material is reasonably  
77 available for use by the public on a permanent basis.

78 Sec. 9. (NEW) (*Effective July 1, 2013*) In implementing the provisions  
79 of sections 1 to 11, inclusive, of this act, an official publisher of legal  
80 material in an electronic record shall consider:

81 (1) Standards and practices of other jurisdictions;

82 (2) The most recent standards regarding authentication of,  
83 preservation and security of, and public access to, legal material in an  
84 electronic record and other electronic records, as promulgated by  
85 national standard-setting bodies;

86 (3) The needs of users of legal material in an electronic record;

87 (4) The views of governmental officials and entities and other  
88 interested persons; and

89 (5) To the extent practicable, methods and technologies for the  
90 authentication of, preservation and security of, and public access to,  
91 legal material which are compatible with the methods and  
92 technologies used by other official publishers in this state and in other  
93 states that have adopted a law substantially similar to the provisions of  
94 sections 1 to 11, inclusive, of this act.

95 Sec. 10. (NEW) (*Effective July 1, 2013*) In applying and construing the  
96 provisions of the Uniform Electronic Legal Material Act, consideration  
97 shall be given to the need to promote uniformity of the law with  
98 respect to its subject matter among states that enact such uniform

99 provisions.

100 Sec. 11. (NEW) (*Effective July 1, 2013*) The provisions of sections 1 to  
101 10, inclusive, of this act modify, limit and supersede the Electronic  
102 Signatures in Global and National Commerce Act, 15 USC 7001 et seq.,  
103 but do not modify, limit or supersede Section 101(c) of said act, 15 USC  
104 7001(c), or authorize electronic delivery of any of the notices described  
105 in Section 103(b) of said act, 15 USC 7003(b).

106 Sec. 12. (*Effective January 1, 2015*) Sections 12 to 44, inclusive, of this  
107 act may be cited as the Uniform Certificate of Title for Vessels Act.

108 Sec. 13. (*Effective January 1, 2015*) As used in sections 12 to 44,  
109 inclusive, of this act:

110 (1) "Barge" means a vessel that is not self-propelled or fitted for  
111 propulsion by sail, paddle, oar or similar device;

112 (2) "Builder's certificate" means a certificate of the facts of build of a  
113 vessel described in 46 CFR 67.99;

114 (3) "Buyer" means a person that buys or contracts to buy a vessel;

115 (4) "Cancel", with respect to a certificate of title, means to make the  
116 certificate ineffective;

117 (5) "Certificate of origin" means a record created by a manufacturer  
118 or importer as the manufacturer's or importer's proof of identity of a  
119 vessel. "Certificate of origin" includes a manufacturer's certificate or  
120 statement of origin and an importer's certificate or statement of origin.  
121 "Certificate of origin" does not include a builder's certificate;

122 (6) "Certificate of title" means a record, created by the department  
123 pursuant to section 19 of this act or by a governmental agency of  
124 another jurisdiction under the law of that jurisdiction, that is  
125 designated as a certificate of title by the department or such agency  
126 and is evidence of ownership of a vessel;

- 127 (7) "Commissioner" means the Commissioner of Motor Vehicles;
- 128 (8) "Dealer" means a person, including a manufacturer, in the  
129 business of selling vessels;
- 130 (9) "Department" means the Department of Motor Vehicles;
- 131 (10) "Documented vessel" means a vessel covered by a certificate of  
132 documentation issued pursuant to 46 USC 12105. "Documented vessel"  
133 does not include a foreign-documented vessel;
- 134 (11) "Electronic" means relating to technology having electrical,  
135 digital, magnetic, wireless, optical, electromagnetic or similar  
136 capabilities;
- 137 (12) "Electronic certificate of title" means a certificate of title  
138 consisting of information that is stored solely in an electronic medium  
139 and is retrievable in perceivable form;
- 140 (13) "Foreign-documented vessel" means a vessel the ownership of  
141 which is recorded in a registry maintained by a country other than the  
142 United States that identifies each person that has an ownership interest  
143 in such vessel and includes a unique alphanumeric designation for the  
144 vessel;
- 145 (14) "Good faith" means honesty in fact and the observance of  
146 reasonable commercial standards of fair dealing;
- 147 (15) "Hull damaged" means compromised with respect to the  
148 integrity of a vessel's hull by a collision, allision, lightning strike, fire,  
149 explosion, running aground, or similar occurrence or the sinking of a  
150 vessel in a manner that creates a significant risk to the integrity of the  
151 vessel's hull;
- 152 (16) "Hull identification number" means the alphanumeric  
153 designation assigned to a vessel pursuant to 33 CFR 181, as amended;
- 154 (17) "Lien creditor", with respect to a vessel, means:

155 (A) A creditor that has acquired a lien on the vessel by attachment,  
156 levy or the like;

157 (B) An assignee for benefit of creditors from the time of assignment;

158 (C) A trustee in bankruptcy from the date of the filing of the  
159 petition; or

160 (D) A receiver in equity from the time of appointment;

161 (18) "Owner" means a person with legal title to a vessel;

162 (19) "Owner of record" means the owner indicated in the files of the  
163 department or, if the files indicate more than one owner, the owner  
164 first indicated;

165 (20) "Person" means an individual; corporation; business trust;  
166 estate; trust; statutory trust; partnership; limited liability company;  
167 association; joint venture; public corporation; government or  
168 governmental subdivision, agency or instrumentality; or any other  
169 legal or commercial entity;

170 (21) "Purchase" means to take by sale, lease, mortgage, pledge,  
171 consensual lien, security interest, gift or any other voluntary  
172 transaction that creates an interest in a vessel;

173 (22) "Purchaser" means a person that takes by purchase;

174 (23) "Record" means information inscribed on a tangible medium or  
175 stored in an electronic or other medium that is retrievable in  
176 perceivable form;

177 (24) "Secured party", with respect to a vessel, means a person:

178 (A) In whose favor a security interest is created or provided for  
179 under a security agreement, whether or not any obligation to be  
180 secured is outstanding;

181 (B) Who is a consignor under article 9 of title 42a of the general  
182 statutes; or

183 (C) Who holds a security interest arising under section 42a-2-401,  
184 section 42a-2-505, subdivision (3) of section 42a-2-711, or subsection (d)  
185 of section 42a-2A-724 of the general statutes;

186 (25) "Secured party of record" means the secured party whose name  
187 is indicated as the name of the secured party in the files of the  
188 department or, if the files indicate more than one secured party, the  
189 one first indicated:

190 (26) "Security interest" means an interest in a vessel that secures  
191 payment or performance of an obligation if the interest is created by  
192 contract or arises pursuant to section 42a-2-401, section 42a-2-505,  
193 subdivision (3) of section 42a-2-711, or subsection (d) of section 42a-  
194 2A-724 of the general statutes, including, but not limited to, any  
195 interest of a consignor in a vessel in a transaction that is subject to  
196 article 9 of title 42a of the general statutes. "Security interest" does not  
197 include the special property interest of a buyer of a vessel on  
198 identification of that vessel to a contract for sale pursuant to section  
199 42a-2-401 of the general statutes, but a buyer may also acquire a  
200 security interest by complying with article 9 of title 42a of the general  
201 statutes. Except as otherwise provided in section 42a-2-505 of the  
202 general statutes, the right of a seller or lessor of a vessel under article 2  
203 of title 42a of the general statutes or article 2A of title 42a of the general  
204 statutes to retain or acquire possession of the vessel is not a security  
205 interest, but a seller or lessor also may acquire a security interest by  
206 complying with article 9 of title 42a of the general statutes. The  
207 retention or reservation of title by a seller of a vessel notwithstanding  
208 shipment or delivery to the buyer under section 42a-2-401 of the  
209 general statutes is limited in effect to a reservation of a security  
210 interest. Whether a transaction in the form of a lease creates a security  
211 interest is determined by section 42a-1-203 of the general statutes;

212 (27) "Sign" means, with present intent to authenticate or adopt a

213 record, to:

214 (A) Make or adopt a tangible symbol; or

215 (B) Attach to or logically associate with the record an electronic  
216 symbol, sound or process.

217 (28) "State" means a state of the United States, the District of  
218 Columbia, Puerto Rico, the United States Virgin Islands, or any  
219 territory or insular possession subject to the jurisdiction of the United  
220 States;

221 (29) "State of principal use" means the state on whose waters a  
222 vessel is or will be used, operated, navigated or employed more than  
223 on the waters of any other state during a calendar year;

224 (30) "Title brand" means a designation of previous damage, use or  
225 condition that shall be indicated on a certificate of title;

226 (31) "Transfer of ownership" means a voluntary or involuntary  
227 conveyance of an interest in a vessel;

228 (32) "Vessel" means any watercraft used or capable of being used as  
229 a means of transportation on water, except:

230 (A) A seaplane;

231 (B) An amphibious vehicle for which a certificate of title is issued  
232 pursuant to chapter 247 of the general statutes or a similar statute of  
233 another state;

234 (C) Watercraft less than nineteen and one-half feet in length and  
235 propelled solely by sail, paddle or oar;

236 (D) Watercraft that operate only on a permanently fixed,  
237 manufactured course and the movement of which is restricted to or  
238 guided by means of a mechanical device to which the watercraft is  
239 attached or by which the watercraft is controlled;

240 (E) A stationary floating structure that:

241 (i) Does not have and is not designed to have a mode of propulsion  
242 of its own;

243 (ii) Is dependent for utilities upon a continuous utility hookup to a  
244 source originating on shore; and

245 (iii) Has no sewage facilities or has a permanent, continuous hookup  
246 to a shoreside sewage system;

247 (F) Watercraft owned by the United States, a state or a foreign  
248 government, or a political subdivision thereof; and

249 (G) Watercraft used solely as a lifeboat on another watercraft.

250 (33) "Vessel number" means the alphanumeric designation for a  
251 vessel issued pursuant to 46 USC 12301 and chapter 268 of the general  
252 statutes;

253 (34) "Written certificate of title" means a certificate of title consisting  
254 of information inscribed on a tangible medium;

255 (35) "Agreement" has the same meaning as provided in subdivision  
256 (3) of subsection (b) of section 42a-1-201 of the general statutes;

257 (36) "Buyer in ordinary course of business" has the same meaning as  
258 provided in subdivision (9) of subsection (b) of section 42a-1-201 of the  
259 general statutes;

260 (37) "Consumer goods" has the same meaning as provided in  
261 subdivision (23) of subsection (a) of section 42a-9-102 of the general  
262 statutes;

263 (38) "Debtor" has the same meaning as provided in subdivision (28)  
264 of subsection (a) of section 42a-9-102 of the general statutes;

265 (39) "Knowledge" has the same meaning as provided in section 42a-

266 1-202 of the general statutes;

267 (40) "Lease" has the same meaning as provided in subdivision (17)  
268 of section 42a-2A-102 of the general statutes;

269 (41) "Lessor" has the same meaning as provided in subdivision (23)  
270 of section 42a-2A-102 of the general statutes;

271 (42) "Notice" has the same meaning as provided in section 42a-1-202  
272 of the general statutes;

273 (43) "Sale" has the same meaning as provided in subdivision (1) of  
274 section 42a-2-106 of the general statutes;

275 (44) "Security agreement" has the same meaning as provided in  
276 subdivision (73) of subsection (a) of section 42a-9-102 of the general  
277 statutes;

278 (45) "Seller" has the same meaning as provided in subdivision (1) of  
279 section 42a-2-103 of the general statutes;

280 (46) "Send" has the same meaning as provided in subdivision (36) of  
281 subsection (b) of section 42a-1-201 of the general statutes; and

282 (47) "Value" has the same meaning as provided in section 42a-1-204  
283 of the general statutes.

284 Sec. 14. (NEW) (*Effective January 1, 2015*) Subject to section 39 of this  
285 act, this act applies to any transaction, certificate of title or record  
286 relating to a vessel, even if the transaction, certificate of title or record  
287 was entered into or created before the effective date of sections 12 to  
288 44, inclusive, of this act.

289 Sec. 15. (NEW) (*Effective January 1, 2015*) Unless displaced by a  
290 provision of sections 12 to 44, inclusive, of this act, the principles of  
291 law and equity supplement said sections.

292 Sec. 16. (NEW) (*Effective January 1, 2015*) (a) The local law of the

293 jurisdiction under whose certificate of title a vessel is covered governs  
294 all issues relating to the certificate from the time the vessel becomes  
295 covered by the certificate until the vessel becomes covered by another  
296 certificate or becomes a documented vessel, even if no other  
297 relationship exists between the jurisdiction and the vessel or its owner.

298 (b) A vessel becomes covered by a certificate of title when an  
299 application for the certificate and the applicable fee are delivered to the  
300 department in accordance with sections 17 and 18 of this act or to the  
301 governmental agency that creates a certificate in another jurisdiction in  
302 accordance with the law of that jurisdiction.

303 Sec. 17. (NEW) (*Effective January 1, 2015*) (a) Except as otherwise  
304 provided in subsections (b) and (c) of this section, the owner of a vessel  
305 for which Connecticut is the state of principal use shall deliver to the  
306 department an application for a certificate of title for the vessel, with  
307 the applicable fee, not later than twenty days after the later of:

308 (1) The date of a transfer of ownership; or

309 (2) The date this state becomes the state of principal use.

310 (b) An application for a certificate of title is not required for:

311 (1) A documented vessel;

312 (2) A foreign-documented vessel;

313 (3) A barge;

314 (4) A vessel before delivery if the vessel is under construction or  
315 completed pursuant to contract;

316 (5) A vessel held by a dealer for sale or lease; or

317 (6) A vessel designated by the manufacturer as having a model year  
318 of 2015 or earlier, and any vessel manufactured or assembled prior to  
319 January 1, 2016, for which the manufacturer or assembler has not

320 designated a model year, other than the following vessels:

321 (A) A vessel for which a certificate of title has been issued by  
322 another state when this state has become the state of principal use for  
323 the vessel; or

324 (B) A vessel having this state as the state of principal use that was a  
325 documented vessel or a foreign documented vessel when it becomes  
326 no longer a documented vessel or a foreign documented vessel.

327 (c) The department may not issue, transfer or renew a certificate of  
328 title for a vessel issued pursuant to the requirements of 46 USC 12301,  
329 unless the department has created a certificate of title for the vessel or  
330 an application for a certificate for the vessel and the applicable fee has  
331 been delivered to the department.

332 Sec. 18. (NEW) (*Effective January 1, 2015*) (a) Except as otherwise  
333 provided in sections 21, 26 and 30 to 33, inclusive, of this act, only an  
334 owner may apply for a certificate of title.

335 (b) An application for a certificate of title shall be on a form that the  
336 commissioner prescribes, be signed by the applicant and contain:

337 (1) The applicant's name, the street address of the applicant's  
338 principal residence and, if different, the applicant's mailing address;

339 (2) The name and mailing address of each other owner of the vessel;

340 (3) The hull identification number for the vessel or, if none, an  
341 application to the Department of Energy and Environmental  
342 Protection for the issuance of a hull identification number for the  
343 vessel;

344 (4) The vessel number for the vessel or, if none issued by the  
345 department, an application for a vessel number;

346 (5) A description of the vessel as required by the department, which  
347 shall include:

348 (A) The official number for the vessel, if any, assigned by the United  
349 States Coast Guard;

350 (B) The name of the manufacturer, builder or maker;

351 (C) The model year or the year in which the manufacture or build of  
352 the vessel was completed;

353 (D) The overall length of the vessel;

354 (E) The vessel type;

355 (F) The hull material;

356 (G) The propulsion type;

357 (H) The engine drive type, if any; and

358 (I) The fuel type, if any;

359 (6) An indication of all security interests in the vessel known to the  
360 applicant and the name and mailing address of each secured party;

361 (7) A statement that the vessel is not a documented vessel or a  
362 foreign-documented vessel;

363 (8) Any title brand known to the applicant and, if known, the  
364 jurisdiction under whose law the title brand was created;

365 (9) If the applicant knows that the vessel is hull damaged, a  
366 statement that the vessel is hull damaged;

367 (10) If the application is made in connection with a transfer of  
368 ownership, the transferor's name, street address and, if different,  
369 mailing address, the sales price, if any, and the date of the transfer;

370 (11) If the vessel previously was registered or titled in another  
371 jurisdiction, a statement identifying each jurisdiction known to the  
372 applicant in which the vessel was registered or titled; and

373 (12) Any further information the commissioner reasonably requires  
374 to identify the vessel and to enable the commissioner to determine  
375 whether the owner is entitled to a certificate of title and the existence  
376 or nonexistence of security interests in the vessel.

377 (c) In addition to the information required by subsection (b) of this  
378 section, an application for a certificate of title may contain an electronic  
379 communication address of the owner, transferor or secured party.

380 (d) Except as otherwise provided in sections 30 to 33, inclusive, of  
381 this act, an application for a certificate of title shall be accompanied by:

382 (1) A certificate of title signed by the owner shown on the certificate  
383 that:

384 (A) Identifies the applicant as the owner of the vessel; or

385 (B) Is accompanied by a record that identifies the applicant as the  
386 owner; or

387 (2) If there is no certificate of title:

388 (A) If the vessel was a documented vessel, a record issued by the  
389 United States Coast Guard which shows the vessel is no longer a  
390 documented vessel and identifies the applicant as the owner;

391 (B) If the vessel was a foreign-documented vessel, a record issued  
392 by the foreign country which shows the vessel is no longer a foreign-  
393 documented vessel and identifies the applicant as the owner; or

394 (C) In all other cases, a certificate of origin, bill of sale or other  
395 record that to the satisfaction of the department identifies the applicant  
396 as the owner.

397 (e) A record submitted in connection with an application is part of  
398 the application. The department shall maintain the record in its files.

399 (f) The department may require that an application for a certificate

400 of title be accompanied by payment or evidence of payment of any or  
401 all fees and taxes payable by the applicant under law of this state,  
402 other than fees paid in connection with the application or the  
403 acquisition or use of the vessel.

404 Sec. 19. (NEW) (*Effective January 1, 2015*) (a) Unless an application  
405 for a certificate of title is rejected pursuant to subsection (c) or (d) of  
406 this section, the department shall create a certificate for the vessel in  
407 accordance with subsection (b) of this section after delivery of an  
408 application to the department that complies with section 18 of this act.

409 (b) If the department creates electronic certificates of title, the  
410 department shall create an electronic certificate unless in the  
411 application the secured party of record or, if none, the owner of record,  
412 requests that the department create a written certificate.

413 (c) Except as otherwise provided in subsection (d) of this section, the  
414 department may reject an application for a certificate of title only if:

415 (1) The application does not comply with section 18 of this act;

416 (2) The application does not contain documentation sufficient for  
417 the department to determine whether the applicant is entitled to a  
418 certificate;

419 (3) There is a reasonable basis for concluding that the application is  
420 fraudulent or issuance of a certificate would facilitate a fraudulent or  
421 illegal act; or

422 (4) The application does not comply with state law.

423 (d) The department shall reject an application for a certificate of title  
424 for a vessel that appears from the application to be a documented  
425 vessel or a foreign-documented vessel.

426 (e) The department may cancel a certificate of title created by the  
427 department only if the department:

428 (1) Could have rejected the application for the certificate under  
429 subsection (c) of this section;

430 (2) Is required to cancel the certificate pursuant to this section or  
431 section 19, 23, 30 or 31 of this act; or

432 (3) Receives satisfactory evidence that the vessel is a documented  
433 vessel or a foreign-documented vessel.

434 Sec. 20. (NEW) (*Effective January 1, 2015*) (a) A certificate of title shall  
435 contain:

436 (1) The date the certificate was created;

437 (2) The name of the owner of record and, if not all owners are listed,  
438 an indication that there are additional owners indicated in the files of  
439 the department;

440 (3) The mailing address of the owner of record;

441 (4) The hull identification number;

442 (5) The information listed in subdivision (5) of subsection (b) of  
443 section 18 of this act;

444 (6) Except as otherwise provided in subsection (b) of section 26 of  
445 this act, the name and mailing address of the secured party of record, if  
446 any and, if not all secured parties are listed, an indication that there are  
447 other security interests indicated in the files of the department;

448 (7) All title brands indicated in the files of the department covering  
449 the vessel, including, but not limited to, brands indicated on a  
450 certificate created by a governmental agency of another jurisdiction  
451 and delivered to the department; and

452 (8) Any other data the commissioner prescribes.

453 (b) Nothing in sections 12 to 44, inclusive, of this act shall preclude

454 the department from noting on a certificate of title the name and  
455 mailing address of a secured party that is not a secured party of record.

456 (c) For each title brand indicated on a certificate of title, the  
457 certificate shall identify the jurisdiction under whose law the title  
458 brand was created or the jurisdiction that created the certificate on  
459 which the title brand was indicated. If the meaning of a title brand is  
460 not easily ascertainable or cannot be accommodated on the certificate,  
461 the certificate may state: "Previously branded in (insert the jurisdiction  
462 under whose law the title brand was created or whose certificate of  
463 title previously indicated the title brand)."

464 (d) If the files of the department indicate that a vessel previously  
465 was registered or titled in a foreign country, the department shall  
466 indicate on the certificate of title that the vessel was registered or titled  
467 in that country.

468 (e) A written certificate of title shall contain a form that all owners  
469 indicated on the certificate may sign to evidence consent to a transfer  
470 of an ownership interest to another person. The form shall include a  
471 certification, signed under penalty of false statement, that the  
472 statements made are true and correct to the best of each owner's  
473 knowledge, information and belief.

474 (f) A written certificate of title shall contain a form for the owner of  
475 record to indicate, in connection with a transfer of an ownership  
476 interest, that the vessel is hull damaged.

477 Sec. 21. (NEW) (*Effective January 1, 2015*) (a) Except as provided in  
478 subsection (c) of this section, at or before the time the owner of record  
479 transfers an ownership interest in a hull-damaged vessel that is  
480 covered by a certificate of title created by the department, if the  
481 damage occurred while that person was an owner of the vessel and the  
482 person has notice of the damage at the time of the transfer, the owner  
483 shall:

484 (1) Deliver to the department an application for a new certificate  
485 that complies with section 18 of this act and includes the title brand  
486 designation "Hull Damaged"; or

487 (2) Indicate on the certificate in the place designated for that  
488 purpose that the vessel is hull damaged and deliver the certificate to  
489 the transferee.

490 (b) After delivery to the department of the application pursuant to  
491 subdivision (1) of subsection (a) of this section or the certificate of title  
492 under subdivision (2) of said subsection (a), the department shall  
493 create a new certificate that indicates that the vessel is branded "Hull  
494 Damaged".

495 (c) Before an insurer transfers an ownership interest in a hull-  
496 damaged vessel that is covered by a certificate of title created by the  
497 department, the insurer shall deliver to the department an application  
498 for a new certificate that complies with section 17 of this act and  
499 includes the title brand designation "Hull Damaged". After delivery of  
500 the application to the department, the department shall create a new  
501 certificate that indicates that the vessel is branded "Hull Damaged".

502 (d) An owner of record that fails to comply with subsection (a) of  
503 this section, a person that solicits or colludes in a failure by an owner  
504 of record to comply with said subsection (a) or an insurer that fails to  
505 comply with subsection (c) of this section shall be fined not more than  
506 one thousand dollars.

507 Sec. 22. (NEW) (*Effective January 1, 2015*) (a) For each record relating  
508 to a certificate of title submitted to the department, the department  
509 shall:

510 (1) Maintain the hull identification number and all the information  
511 submitted with the application pursuant to subsection (b) of section 7  
512 of this act to which the record relates, including the date and time the  
513 record was delivered to the department;

514 (2) Maintain the files for public inspection; and

515 (3) Index the files of the department pursuant to subsection (b) of  
516 this section.

517 (b) The department shall maintain in its files the information  
518 contained in all certificates of title created pursuant to section 19 of this  
519 act. The information in the files of the department shall be searchable  
520 by the hull identification number of the vessel, the vessel number, the  
521 name of the owner of record and any other method used by the  
522 department.

523 (c) The department shall maintain in its files, for each vessel for  
524 which it has created a certificate of title, all title brands known to the  
525 department, the name of each secured party known to the department,  
526 the name of each person known to the department to be claiming an  
527 ownership interest and all stolen-property reports the department has  
528 received.

529 (d) Upon request, for safety, security or law-enforcement purposes,  
530 the department shall provide to federal, state or local government the  
531 information in its files relating to any vessel for which the department  
532 has issued a certificate of title.

533 (e) Except as otherwise provided by the general statutes, the  
534 information required pursuant to section 20 of this act is a public  
535 record.

536 Sec. 23. (NEW) (*Effective January 1, 2015*) (a) On creation of a written  
537 certificate of title, the department shall send the certificate to the  
538 secured party of record or, if none, to the owner of record, at the  
539 address indicated for that person in the files of the department. On  
540 creation of an electronic certificate of title, the department shall send a  
541 record evidencing the certificate to the owner of record and, if there is  
542 one, to the secured party of record, at the address indicated for that  
543 person in the files of the department. The department may send the

544 record to the person's mailing address or, if indicated in the files of the  
545 department, an electronic address.

546 (b) If the department creates a written certificate of title, any such  
547 written certificate shall cancel any such electronic certificate. The  
548 department shall maintain in its files the date and time of such  
549 cancellation.

550 (c) Before the department creates an electronic certificate of title, any  
551 person holding a written certificate of title shall surrender such written  
552 certificate. If the department creates an electronic certificate, the  
553 department shall destroy or otherwise cancel any such surrendered  
554 written certificate and maintain in its files the date and time of such  
555 destruction or other cancellation. If a written certificate being canceled  
556 is not destroyed, the department shall indicate on the face of the  
557 certificate that it has been canceled.

558 Sec. 24. (NEW) (*Effective January 1, 2015*) A certificate of title is prima  
559 facie evidence of the accuracy of the information in the record that  
560 constitutes the certificate. In any criminal proceeding, a certified copy  
561 of a certificate of title shall be prima facie evidence as to the ownership  
562 of a vessel.

563 Sec. 25. (NEW) (*Effective January 1, 2015*) Possession of a certificate of  
564 title does not in and of itself provide a right to obtain possession of a  
565 vessel. Garnishment, attachment, levy, replevin or other judicial  
566 process against the certificate shall not be effective to determine  
567 possessory rights to the vessel. Sections 12 to 44, inclusive, of this act  
568 do not prohibit enforcement under law of this state other than said  
569 sections of this act of a security interest in, levy on, or foreclosure of a  
570 statutory or common-law lien on a vessel. Absence of an indication of  
571 a statutory or common-law lien on a certificate shall not invalidate the  
572 lien.

573 Sec. 26. (NEW) (*Effective January 1, 2015*) (a) Except as otherwise  
574 provided in this section or section 39 of this act, a security interest in a

575 vessel may be perfected only by delivery to the department of an  
576 application for a certificate of title that identifies the secured party and  
577 otherwise complies with section 18 of this act. The security interest  
578 shall be perfected on the later of delivery to the department of the  
579 application and all applicable fees or attachment of the security interest  
580 under section 42a-9-203 of the general statutes.

581 (b) If the interest of a person named as owner, lessor, consignee or  
582 bailor in an application for a certificate of title delivered to the  
583 department is a security interest, the application sufficiently identifies  
584 the person as a secured party. Identification on the application for a  
585 certificate of a person as owner, lessor, consignee or bailor shall not in  
586 and of itself be a factor in determining whether the person's interest is  
587 a security interest.

588 (c) If the department has created a certificate of title for a vessel, a  
589 security interest in the vessel may be perfected by delivery to the  
590 department of an application, in such form the department may  
591 require, to have the security interest added to the certificate. The  
592 application shall be signed by an owner of the vessel or by the secured  
593 party and shall include:

594 (1) The name of the owner of record;

595 (2) The name and mailing address of the secured party;

596 (3) The hull identification number for the vessel; and

597 (4) If the department has created a written certificate of title for the  
598 vessel, the certificate.

599 (d) A security interest perfected under subsection (c) of this section  
600 shall be perfected on the later of delivery to the department of the  
601 application and all applicable fees or attachment of the security interest  
602 under section 42a-9-203 of the general statutes.

603 (e) On delivery of an application that complies with subsection (c) of

604 this section and payment of all applicable fees, the department shall  
605 create a new certificate of title pursuant to section 19 of this act and  
606 deliver the new certificate or a record evidencing an electronic  
607 certificate pursuant to subsection (a) of section 23 of this act. The  
608 department shall maintain in its files the date and time of delivery of  
609 the application to the department.

610 (f) If a secured party assigns a perfected security interest in a vessel,  
611 the receipt by the department of a statement providing the name of the  
612 assignee as secured party shall not be required to continue the  
613 perfected status of the security interest against creditors of and  
614 transferees from the original debtor. A purchaser of a vessel subject to  
615 a security interest which obtains a release from the secured party  
616 indicated in the files of the department or on the certificate takes free  
617 of the security interest and of the rights of a transferee unless the  
618 transfer is indicated in the files of the department or on the certificate.

619 (g) The provisions of this section shall not apply to a security  
620 interest:

621 (1) Created in a vessel by a person during any period in which the  
622 vessel is inventory held for sale or lease by the person or is leased by  
623 the person as lessor if the person is in the business of selling vessels;

624 (2) In a barge or any other vessel for which a certificate of title is not  
625 permitted under sections 12 to 44, inclusive, of this act; or

626 (3) In a vessel before delivery if the vessel is under construction, or  
627 completed, pursuant to contract and for which no application for a  
628 certificate has been delivered to the department.

629 (h) When a certificate of documentation for a documented vessel is  
630 deleted or canceled, if a security interest in the vessel was valid  
631 immediately before deletion or cancellation against a third party as a  
632 result of compliance with 42 USC 31321, the security interest is and  
633 remains perfected until the earlier of four months after cancellation of

634 the certificate or the time the security interest becomes perfected under  
635 this section.

636 (i) A security interest in a vessel arising under section 42a-2-401 or  
637 42a-2-505 of the general statutes, subdivision (3) of section 42a-2-711 of  
638 the general statutes, or subsection (d) of section 42a-2A-724 of the  
639 general statutes shall be perfected when it attaches but shall become  
640 unperfected when the debtor obtains possession of the vessel, unless  
641 before the debtor obtains possession the security interest is perfected  
642 pursuant to subsection (a) or (c) of this section.

643 (j) A security interest in a vessel as proceeds of other collateral shall  
644 be perfected to the extent provided in section 42a-9-315 of the general  
645 statutes.

646 (k) A security interest in a vessel perfected under the law of another  
647 jurisdiction shall be perfected to the extent provided in subsection (d)  
648 of section 42a-9-316 of the general statutes.

649 Sec. 27. (NEW) (*Effective January 1, 2015*) (a) A secured party  
650 indicated in the files of the department as having a security interest in  
651 a vessel shall deliver a termination statement to the department in  
652 such form as the department prescribes and, on the debtor's request, to  
653 the debtor, by the earlier of:

654 (1) Twenty days after the secured party receives a signed demand  
655 from an owner for a termination statement and there is no obligation  
656 secured by the vessel subject to the security interest and no  
657 commitment to make an advance, incur an obligation or otherwise  
658 give value secured by the vessel; or

659 (2) If the vessel is consumer goods, thirty days after there is no  
660 obligation secured by the vessel and no commitment to make an  
661 advance, incur an obligation or otherwise give value secured by the  
662 vessel.

663 (b) If the department has created a written certificate of title and

664 delivered such certificate to a secured party and a termination  
665 statement is required under subsection (a) of this section, the secured  
666 party shall, not later than the date required by subsection (a) of this  
667 section, deliver the certificate to the debtor or to the department with  
668 the statement. If the certificate is lost, stolen, mutilated, destroyed, or is  
669 otherwise unavailable or illegible, the secured party shall, not later  
670 than the date required by subsection (a) of this section, deliver with the  
671 statement an application for a replacement certificate meeting the  
672 requirements of section 33 of this act.

673 (c) On delivery to the department of a termination statement  
674 authorized by the secured party, the security interest to which the  
675 statement relates ceases to be perfected. If the security interest to  
676 which the statement relates was indicated on the certificate of title, the  
677 department shall create a new certificate and deliver such new  
678 certificate or a record evidencing an electronic certificate. The  
679 department shall maintain in its files the date and time of delivery to  
680 the department of the statement.

681 (d) A secured party that fails to comply with this section shall be  
682 liable for any loss that the secured party had reason to know might  
683 result from its failure to comply and that could not reasonably have  
684 been prevented and for the cost of an application for a certificate of  
685 title under section 18 or 33 of this act.

686 (e) The commissioner may require a secured party indicated in the  
687 files of the department as having a security interest in a vessel to  
688 electronically transmit to the department a termination statement  
689 evidencing release of its security interest in a vessel.

690 Sec. 28. (NEW) (*Effective January 1, 2015*) (a) Upon voluntary transfer  
691 of an ownership interest in a vessel covered by a certificate of title, the  
692 following rules apply:

693 (1) If the certificate is a written certificate of title and the transferor's  
694 interest is noted on the certificate, the transferor shall sign the

695 certificate and deliver it to the transferee. If the transferor does not  
696 have possession of the certificate, the person in possession of the  
697 certificate shall have a duty to facilitate the transferor's compliance  
698 with this subdivision. A secured party shall not have a duty to  
699 facilitate the transferor's compliance with this subdivision if the  
700 proposed transfer is prohibited by the security agreement.

701 (2) If the certificate of title is an electronic certificate of title, the  
702 transferor shall sign and deliver to the transferee a record evidencing  
703 the transfer of ownership to the transferee.

704 (3) The transferee shall have a right enforceable by specific  
705 performance to require the transferor to comply with the provisions of  
706 subdivision (1) or (2) of this subsection.

707 (b) The creation of a certificate of title identifying the transferee as  
708 owner of record shall satisfy subsection (a) of this section.

709 (c) Failure to comply with subsection (a) of this section or to apply  
710 for a new certificate of title shall not render a transfer of ownership of a  
711 vessel ineffective. Except as otherwise provided in section 29, section  
712 30, subsection (a) of section 34, or section 35 of this act, a transfer of  
713 ownership without compliance with subsection (a) of this section shall  
714 not be effective against another person claiming an interest in the  
715 vessel.

716 (d) A transferor that complies with subsection (a) of this section  
717 shall not be liable as owner of the vessel for an event occurring after  
718 the transfer, regardless of whether the transferee applies for a new  
719 certificate of title.

720 Sec. 29. (NEW) (*Effective January 1, 2015*) Except as otherwise  
721 provided in section 42a-9-337 of the general statutes, a certificate of  
722 title or other record required or authorized by sections 12 to 44  
723 inclusive, of this act shall be effective even if it contains incorrect  
724 information or does not contain required information.

725 Sec. 30. (NEW) (*Effective January 1, 2015*) (a) For the purposes of this  
726 section, "secured party's transfer statement" means a record signed by  
727 the secured party of record stating:

728 (1) That there has been a default on an obligation to the secured  
729 party of record secured by the vessel;

730 (2) The secured party of record is exercising or has exercised post-  
731 default remedies with respect to the vessel;

732 (3) By reason of the exercise, the secured party of record has the  
733 right to transfer the ownership interest of an owner, and the name of  
734 the owner;

735 (4) The name and last-known mailing address of the owner of  
736 record and the secured party of record;

737 (5) The name of the transferee;

738 (6) Other information required by subsection (b) of section 18 of this  
739 act; and

740 (7) One of the following:

741 (A) The certificate of title is an electronic certificate;

742 (B) The secured party does not have possession of the written  
743 certificate of title created in the name of the owner of record; or

744 (C) The secured party is delivering the written certificate of title to  
745 the department with the secured party's transfer statement.

746 (b) Unless the department rejects a secured party's transfer  
747 statement for a reason stated in subsection (c) of section 19 of this act,  
748 after delivery to the department of the statement and payment of fees  
749 and taxes payable under the law of this state, other than fees paid in  
750 connection with the statement or the acquisition or use of the vessel,  
751 the department shall:

- 752 (1) Accept the statement;
- 753 (2) Amend the files of the department to reflect the transfer; and
- 754 (3) If the name of the owner whose ownership interest is being  
755 transferred is indicated on the certificate of title:
- 756 (A) Cancel the certificate even if the certificate has not been  
757 delivered to the department;
- 758 (B) Create a new certificate indicating the transferee as owner; and
- 759 (C) Deliver the new certificate or a record evidencing an electronic  
760 certificate.
- 761 (c) An application submitted under subsection (a) of this section or  
762 the creation of a certificate of title under subsection (b) of this section  
763 shall not in and of itself be a disposition of the vessel and shall not in  
764 and of itself relieve the secured party of its duties under article 9 of  
765 title 42a of the general statutes.
- 766 Sec. 31. (NEW) (*Effective January 1, 2015*) (a) For purposes of this  
767 section:
- 768 (1) "By operation of law" means pursuant to a law or judicial order  
769 affecting ownership of a vessel:
- 770 (A) Because of death, divorce or other family law proceeding,  
771 merger, consolidation, dissolution or bankruptcy;
- 772 (B) Through the exercise of the rights of a lien creditor or a person  
773 having a lien created by statute or rule of law; or
- 774 (C) Through other legal process; and
- 775 (2) "Transfer-by-law statement" means a record signed by a  
776 transferee stating that by operation of law the transferee has acquired  
777 or has the right to acquire an ownership interest in a vessel.

778 (b) A transfer-by-law statement shall contain:

779 (1) The name and last known mailing address of the owner of  
780 record and the transferee and the other information required pursuant  
781 to subsection (b) of section 18 of this act;

782 (2) Documentation sufficient to establish the transferee's ownership  
783 interest or right to acquire the ownership interest;

784 (3) A statement that:

785 (A) The certificate of title is an electronic certificate of title;

786 (B) The transferee does not have possession of the written certificate  
787 of title created in the name of the owner of record; or

788 (C) The transferee is delivering the written certificate to the  
789 department with the transfer-by-law statement; and

790 (4) Except for a transfer described in subparagraph (A) of  
791 subdivision (1) of subsection (a) of this section, evidence that  
792 notification of the transfer and the intent to file the transfer-by-law  
793 statement has been sent to all persons indicated in the department's  
794 files as having an interest, including a security interest, in the vessel.

795 (c) Unless the department rejects a transfer-by-law statement for a  
796 reason stated in subsection (c) of section 19 of this act or because the  
797 statement does not include documentation satisfactory to the  
798 department as to the transferee's ownership interest or right to acquire  
799 the ownership interest, after delivery to the department of the  
800 statement and payment of fees and taxes payable under the law of this  
801 state other than sections 12 to 44, inclusive, of this act in connection  
802 with the statement or with the acquisition or use of the vessel, the  
803 department shall:

804 (1) Accept the statement;

805 (2) Amend its files to reflect the transfer; and

806 (3) If the name of the owner whose ownership interest is being  
807 transferred is indicated on the certificate of title:

808 (A) Cancel the certificate even if the certificate has not been  
809 delivered to the department;

810 (B) Create a new certificate indicating the transferee as owner;

811 (C) Indicate on the new certificate any security interest indicated on  
812 the canceled certificate, unless a court order provides otherwise; and

813 (D) Deliver the new certificate or a record evidencing an electronic  
814 certificate.

815 (d) The provisions of this section shall not apply to a transfer of an  
816 interest in a vessel by a secured party under sections 42a-9-601 to 42a-  
817 9-628, inclusive, of the general statutes.

818 Sec. 32. (NEW) (*Effective January 1, 2015*) (a) Except as otherwise  
819 provided in section 30 or 31 of this act, if the department receives,  
820 unaccompanied by a signed certificate of title, an application for a new  
821 certificate that includes an indication of a transfer of ownership or a  
822 termination statement, the department may create a new certificate  
823 under this section only if:

824 (1) All other requirements under sections 18 and 19 of this act are  
825 met;

826 (2) The applicant provides an affidavit stating facts showing the  
827 applicant is entitled to a transfer of ownership or termination  
828 statement;

829 (3) The applicant provides the department with satisfactory  
830 evidence in such form as the department prescribes that notification of  
831 the application has been sent to the owner of record and all persons  
832 indicated in the department's files as having an interest, including a  
833 security interest, in the vessel, not less than forty-five days have passed

834 since the notification was sent, and the department has not received an  
835 objection from such owner or persons; and

836 (4) The applicant submits any other information required by the  
837 department as evidence of the applicant's ownership or right to  
838 terminate the security interest, and the department has no credible  
839 information indicating theft, fraud, or an undisclosed or unsatisfied  
840 security interest, lien, or other claim to an interest in the vessel.

841 (b) The department shall indicate in a certificate of title created  
842 under subsection (a) of this section that the certificate was created  
843 without submission of a signed certificate or termination statement.  
844 Unless credible information indicating theft, fraud, or an undisclosed  
845 or unsatisfied security interest, lien, or other claim to an interest in the  
846 vessel is delivered to the department not later than one year after  
847 creation of the certificate, on request in a form and manner required by  
848 the department, the department shall remove the indication from the  
849 certificate.

850 (c) Unless the department determines that the value of a vessel is  
851 less than five thousand dollars, before the department creates a  
852 certificate of title under subsection (a) of this section, the department  
853 may require the applicant to post a bond or provide an equivalent  
854 source of indemnity or security. The bond, indemnity or other security  
855 shall be in an amount equal to twice the value of the vessel as  
856 determined by the department. The bond, indemnity or other security  
857 shall be in a form required by the department and provide for  
858 indemnification of any owner, purchaser or other claimant for any  
859 expense, loss, delay or damage, including reasonable attorney's fees  
860 and costs, but not including incidental or consequential damages,  
861 resulting from creation or amendment of the certificate.

862 (d) Unless the department receives a claim for indemnity not later  
863 than one year after creation of a certificate of title under subsection (a)  
864 of this section, on request in a form and manner required by the  
865 department, the department shall release any bond, indemnity or other

866 security.

867       Sec. 33. (NEW) (*Effective January 1, 2015*) (a) If a written certificate of  
868 title is lost, stolen, mutilated, destroyed or otherwise becomes  
869 unavailable or illegible, the secured party of record or, if no secured  
870 party is indicated in the department's files, the owner of record may  
871 apply for and, by furnishing information satisfactory to the  
872 department, obtain a replacement certificate in the name of the owner  
873 of record.

874       (b) An applicant for a replacement certificate of title shall sign the  
875 application and, except as otherwise permitted by the department, the  
876 application shall comply with section 18 of this act. The application  
877 shall include the existing certificate unless the certificate is lost, stolen,  
878 mutilated, destroyed or otherwise unavailable.

879       (c) A replacement certificate of title created by the department shall  
880 comply with section 20 of this act and indicate on the face of the  
881 certificate that it is a replacement certificate.

882       (d) If a person receiving a replacement certificate of title  
883 subsequently obtains possession of the original written certificate, the  
884 person promptly shall destroy the original certificate of title.

885       Sec. 34. (NEW) (*Effective January 1, 2015*) (a) A buyer in ordinary  
886 course of business shall have the protections afforded by subdivision  
887 (2) of section 42a-2-403 of the general statutes and subsection (a) of  
888 section 42a-9-320 of the general statutes even if an existing certificate of  
889 title was not signed and delivered to the buyer or a new certificate  
890 listing the buyer as owner of record was not created.

891       (b) Except as otherwise provided in sections 28 and 35 of this act,  
892 the rights of a purchaser of a vessel who is not a buyer in ordinary  
893 course of business or a lien creditor shall be governed by the  
894 provisions of title 42a of the general statutes.

895       Sec. 35. (NEW) (*Effective January 1, 2015*) (a) Subject to subsection (b)

896 of this section, the effect of perfection and nonperfection of a security  
897 interest and the priority of a perfected or unperfected security interest  
898 with respect to the rights of a purchaser or creditor, including a lien  
899 creditor, shall be governed by the provisions of title 42a of the general  
900 statutes.

901 (b) If, while a security interest in a vessel is perfected by any method  
902 under section 26 of this act, the department creates a certificate of title  
903 that does not indicate that the vessel is subject to the security interest  
904 or contain a statement that it may be subject to security interests not  
905 indicated on the certificate:

906 (1) A buyer of the vessel, other than a person in the business of  
907 selling or leasing vessels of that kind, takes free of the security interest  
908 if the buyer, acting in good faith and without knowledge of the  
909 security interest, gives value and receives possession of the vessel; and

910 (2) The security interest is subordinate to a conflicting security  
911 interest in the vessel that is perfected under section 26 of this act after  
912 creation of the certificate and without the conflicting secured party's  
913 knowledge of the security interest.

914 Sec. 36. (NEW) (*Effective January 1, 2015*) (a) The department shall  
915 retain the evidence used by the department to determine the accuracy  
916 of the information in its files relating to the current ownership of a  
917 vessel and the information on the certificate of title.

918 (b) The department shall retain in its files all information received  
919 by the department regarding a security interest in a vessel for not less  
920 than ten years after the department receives a termination statement  
921 regarding the security interest. The information shall be accessible by  
922 the hull identification number for the vessel and any other methods  
923 provided by the department.

924 (c) If a person submits a record to the department, or submits  
925 information that the department accepts, and requests an

926 acknowledgment of the filing or submission, the department shall send  
927 to the person an acknowledgment showing the hull identification  
928 number of the vessel to which the record or submission relates, the  
929 information in the filed record or submission, and the date and time  
930 the record was received or the submission accepted. A request under  
931 this section shall contain the hull identification number and be  
932 delivered by means authorized by the department.

933 (d) The department shall send or otherwise make available in a  
934 record the following information to any person that requests it and  
935 pays all applicable fees:

936 (1) Whether the files of the department indicate, as of a date and  
937 time specified by the department, but not a date earlier than ten  
938 calendar days before the department received the request, any  
939 certificate of title, security interest, termination statement or title brand  
940 that relates to a vessel:

941 (A) Identified by a hull identification number designated in the  
942 request;

943 (B) Identified by a vessel number designated in the request; or

944 (C) Owned by a person designated in the request;

945 (2) With respect to the vessel:

946 (A) The name and address of any owner as indicated in the files of  
947 the department or on the certificate of title;

948 (B) The name and address of any secured party as indicated in the  
949 files of the department or on the certificate, and the effective date of  
950 the information; and

951 (C) A copy of any termination statement indicated in the files of the  
952 department and the effective date of the termination statement; and

953 (3) With respect to the vessel, a copy of any certificate of origin,

954 secured party transfer statement, transfer-by-law statement under  
955 section 31 of this act and other evidence of previous or current  
956 transfers of ownership.

957 (e) In responding to a request under this section, the department  
958 may provide the requested information in any medium, provided on  
959 request and upon payment of all applicable fees, the department shall  
960 communicate the requested information by issuing the department's  
961 written document.

962 Sec. 37. (NEW) (*Effective January 1, 2015*) In applying and construing  
963 the provisions of the Uniform Certificate of Title for Vessels Act,  
964 consideration shall be given to the need to promote uniformity of the  
965 law with respect to its subject matter among states that enact such  
966 uniform provisions.

967 Sec. 38. (NEW) (*Effective January 1, 2015*) The provisions of sections  
968 12 to 44, inclusive, of this act modify, limit, and supersede the federal  
969 Electronic Signatures in Global and National Commerce Act, 15 USC  
970 7001, et seq., but do not modify, limit or supersede Section 101(c) of  
971 said act, 15 USC 7001(c) or authorize electronic delivery of any of the  
972 notices described in Section 103(b) of said act, 15 USC 7003(b).

973 Sec. 39. (NEW) (*Effective January 1, 2015*) (a) The rights, duties and  
974 interests flowing from a transaction, certificate of title or record  
975 relating to a vessel which was validly entered into or created before  
976 January 1, 2015, and would be subject to sections 12 to 44, inclusive, of  
977 this act if it had been entered into or created on or after January 1,  
978 2015, remain valid on and after January 1, 2015.

979 (b) Sections 12 to 44, inclusive, of this act do not affect an action or  
980 proceeding commenced before January 1, 2015.

981 (c) Except as otherwise provided in subsection (d) of this section, a  
982 security interest that is enforceable immediately before January 1, 2015,  
983 and would have priority over the rights of a person that becomes a lien

984 creditor at that time is a perfected security interest under sections 12 to  
985 44, inclusive, of this act.

986 (d) A security interest in a vessel for which a certificate of title is  
987 required under sections 12 to 44, inclusive, of this act that is perfected  
988 immediately before January 1, 2015, remains perfected until the earlier  
989 of:

990 (1) The time perfection would have ceased under the law under  
991 which the security interest was perfected; or

992 (2) January 1, 2018.

993 (e) Sections 12 to 44, inclusive, of this act shall not affect the priority  
994 of a security interest in a vessel if immediately before January 1, 2015,  
995 the security interest is enforceable and perfected, and that priority is  
996 established.

997 Sec. 40. (NEW) (*Effective January 1, 2015*) (a) The department shall be  
998 paid the following fees: (1) For filing an application for a certificate of  
999 title, twenty-five dollars; (2) for each security interest noted upon a  
1000 certificate of title or maintained in the electronic title file pursuant to  
1001 subsection (b) of section 26 of this act, ten dollars; (3) for each record  
1002 copy search, twenty dollars; (4) for each assignment of a security  
1003 interest noted upon a certificate of title or maintained in the electronic  
1004 title file, ten dollars; (5) for an application for a duplicate certificate of  
1005 title, twenty-five dollars, provided such fee shall not be required for  
1006 any such duplicate certificate of title; (6) for filing a notice of security  
1007 interest, ten dollars; (7) for filing a termination statement relating to a  
1008 security interest pursuant to section 27 of this act, ten dollars; (8) for  
1009 filing a secured party's transfer statement pursuant to section 30 of this  
1010 act, twenty-five dollars; (9) for filing a transfer-by-law statement  
1011 pursuant to section 31 of this act, twenty-five dollars; (10) for filing an  
1012 application for transfer of ownership or termination of a security  
1013 interest without a certificate of title pursuant to section 32 of this act,  
1014 twenty-five dollars; (11) for a certificate of search of the records of the

1015 department for each name or hull identification number searched  
1016 against, twenty dollars; (12) for filing an assignment of security  
1017 interest, ten dollars; (13) for search of a vessel certificate of title record,  
1018 requested by a person other than the owner of record of such vessel,  
1019 twenty dollars; and (14) for a certified copy of any documentation,  
1020 information or other record maintained or created by the department,  
1021 twenty dollars.

1022 (b) If an application, certificate of title or other document required to  
1023 be mailed or delivered to the department under any provision of  
1024 sections 12 to 44, inclusive, of this act is not delivered to the  
1025 department within ten days from the time it is required to be mailed or  
1026 delivered, the department shall collect, as a penalty, an amount equal  
1027 to the fee required for the transaction.

1028 (c) Vessels leased to an agency of this state and vessels owned by  
1029 the state, an agency of the state or a municipality, as defined in section  
1030 7-245 of the general statutes, shall be exempt from the fees imposed by  
1031 this section.

1032 Sec. 41. (NEW) (*Effective January 1, 2015*) (a) The commissioner shall  
1033 prescribe and provide suitable forms of applications, certificates of  
1034 title, notices of security interests and all other notices and forms  
1035 necessary to carry out the provisions of sections 12 to 44, inclusive, of  
1036 this act.

1037 (b) The commissioner may: (1) Make necessary investigations to  
1038 procure information required to carry out the provisions of sections 12  
1039 to 44, inclusive, of this act; and (2) adopt and enforce reasonable rules  
1040 to carry out the provisions of said sections of this act.

1041 (c) The commissioner may adopt regulations, in accordance with the  
1042 provisions of chapter 54 of the general statutes, to provide for the  
1043 implementation of any of the provisions of sections 12 to 44, inclusive,  
1044 of this act and for the placement of additional indications on any  
1045 certificate of title concerning the condition of or status of title to any

1046 vessel. An indication shall be placed on a certificate of title stating that  
1047 the vessel may be subject to security interests not shown on the  
1048 certificate when: (1) This state becomes the state of principal use of the  
1049 vessel from another state; (2) the vessel was not a documented or  
1050 foreign-documented vessel immediately prior to the application for the  
1051 certificate of title; and (3) the immediately previous state of principal  
1052 use of the vessel did not issue, or does not have a requirement for, a  
1053 certificate of title for the vessel. Such regulations, as may be adopted  
1054 by the commissioner, shall provide for an opportunity for a hearing, in  
1055 accordance with the provisions of chapter 54 of the general statutes  
1056 and section 42 of this act, for any person aggrieved by any action,  
1057 omission to act or decision of the commissioner or of the department  
1058 made pursuant to this subsection.

1059       Sec. 42. (NEW) (*Effective January 1, 2015*) A person aggrieved by an  
1060 action, omission to act or decision of the commissioner or of the  
1061 department under sections 12 to 44, inclusive, of this act shall be  
1062 entitled, upon request, to a hearing in accordance with the provisions  
1063 of chapter 54 of the general statutes.

1064       Sec. 43. (NEW) (*Effective January 1, 2015*) A person aggrieved by an  
1065 action, omission to act or decision of the commissioner or of the  
1066 department under sections 12 to 44, inclusive, of this act may appeal  
1067 therefrom in accordance with the provisions of section 4-183 of the  
1068 general statutes, except venue for such appeal shall be in the judicial  
1069 district of New Britain.

1070       Sec. 44. (NEW) (*Effective January 1, 2015*) (a) A person who, with  
1071 fraudulent intent: (1) Alters, forges or counterfeits a certificate of title;  
1072 (2) alters or forges an assignment of a certificate of title, or an  
1073 assignment or release of a security interest or a termination statement,  
1074 on a certificate of title or a form the department prescribes; (3) has  
1075 possession of or uses a certificate of title knowing it to have been  
1076 altered, forged or counterfeited; or (4) uses a false or fictitious name or  
1077 address, or makes a material false statement, or fails to disclose a

1078 security interest, or conceals any other material fact, in an application  
 1079 for a certificate of title, shall be fined not less than five hundred dollars  
 1080 nor more than one thousand dollars or be imprisoned not less than one  
 1081 year nor more than five years or be both fined and imprisoned.

1082 (b) A person who: (1) With fraudulent intent, permits another, not  
 1083 entitled thereto, to use or have possession of a certificate of title; (2)  
 1084 wilfully fails to mail or deliver a certificate of title or application  
 1085 therefor to the department within ten days after the time required by  
 1086 this chapter; (3) wilfully fails to deliver to his transferee a certificate of  
 1087 title within ten days after the time required by this chapter; or (4)  
 1088 wilfully violates any provision of sections 12 to 44, inclusive, of this  
 1089 act, except as provided in subsection (a) of this section, shall be fined  
 1090 not more than one thousand dollars nor imprisoned not more than two  
 1091 years, or both.

1092 Sec. 45. Subdivision (2) of subsection (a) of section 14-10 of the 2012  
 1093 supplement to the general statutes is repealed and the following is  
 1094 substituted in lieu thereof (*Effective January 1, 2015*):

1095 (2) "Motor vehicle record" means any record that pertains to an  
 1096 operator's license, learner's permit, identity card, registration,  
 1097 certificate of title or any other document issued by the Department of  
 1098 Motor Vehicles. "Motor vehicle record" does not include any record  
 1099 relating to vessels and certificates of title for vessels, as provided in  
 1100 section 22 of this act;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	New section
Sec. 2	<i>July 1, 2013</i>	New section
Sec. 3	<i>July 1, 2013</i>	New section
Sec. 4	<i>July 1, 2013</i>	New section
Sec. 5	<i>July 1, 2013</i>	New section
Sec. 6	<i>July 1, 2013</i>	New section
Sec. 7	<i>July 1, 2013</i>	New section

Sec. 8	<i>July 1, 2013</i>	New section
Sec. 9	<i>July 1, 2013</i>	New section
Sec. 10	<i>July 1, 2013</i>	New section
Sec. 11	<i>July 1, 2013</i>	New section
Sec. 12	<i>January 1, 2015</i>	New section
Sec. 13	<i>January 1, 2015</i>	New section
Sec. 14	<i>January 1, 2015</i>	New section
Sec. 15	<i>January 1, 2015</i>	New section
Sec. 16	<i>January 1, 2015</i>	New section
Sec. 17	<i>January 1, 2015</i>	New section
Sec. 18	<i>January 1, 2015</i>	New section
Sec. 19	<i>January 1, 2015</i>	New section
Sec. 20	<i>January 1, 2015</i>	New section
Sec. 21	<i>January 1, 2015</i>	New section
Sec. 22	<i>January 1, 2015</i>	New section
Sec. 23	<i>January 1, 2015</i>	New section
Sec. 24	<i>January 1, 2015</i>	New section
Sec. 25	<i>January 1, 2015</i>	New section
Sec. 26	<i>January 1, 2015</i>	New section
Sec. 27	<i>January 1, 2015</i>	New section
Sec. 28	<i>January 1, 2015</i>	New section
Sec. 29	<i>January 1, 2015</i>	New section
Sec. 30	<i>January 1, 2015</i>	New section
Sec. 31	<i>January 1, 2015</i>	New section
Sec. 32	<i>January 1, 2015</i>	New section
Sec. 33	<i>January 1, 2015</i>	New section
Sec. 34	<i>January 1, 2015</i>	New section
Sec. 35	<i>January 1, 2015</i>	New section
Sec. 36	<i>January 1, 2015</i>	New section
Sec. 37	<i>January 1, 2015</i>	New section
Sec. 38	<i>January 1, 2015</i>	New section
Sec. 39	<i>January 1, 2015</i>	New section
Sec. 40	<i>January 1, 2015</i>	New section
Sec. 41	<i>January 1, 2015</i>	New section
Sec. 42	<i>January 1, 2015</i>	New section
Sec. 43	<i>January 1, 2015</i>	New section
Sec. 44	<i>January 1, 2015</i>	New section
Sec. 45	<i>January 1, 2015</i>	14-10(a)(2)

**Statement of Purpose:**

To adopt the Uniform Electronic Legal Material Act and the Uniform Certificate of Title for Vessels Act in this state.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*