



General Assembly

Substitute Bill No. 418

February Session, 2012

* SB00418JUD__040212__ *

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) "Official record" means the version of legal material designated
24 by an official publisher as the official version of such material;

25 (5) "Publish" means to display, present or release to the public, or
26 cause to be displayed, presented or released to the public by the
27 official publisher;

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

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

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

39 Sec. 4. (NEW) (*Effective July 1, 2013*) (a) If an official publisher
40 publishes legal material only in an electronic record, the publisher
41 shall: (1) Designate the electronic record as official; and (2) comply
42 with sections 5, 7 and 8 of this act.

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

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

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

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

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

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

71 (b) If legal material is preserved in an electronic record under
72 subsection (a) of this section, the official publisher shall: (1) Ensure the
73 integrity of the electronic record; (2) provide for backup and disaster

74 recovery of the electronic record; and (3) ensure the continuing
75 usability of the legal material.

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

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

83 (1) Standards and practices of other jurisdictions;

84 (2) The most recent standards regarding authentication of,
85 preservation and security of, and public access to, legal material in an
86 electronic record and other electronic records, as promulgated by
87 national standard-setting bodies and any standards or guidelines
88 established by the State Librarian or the Public Records Administrator
89 in accordance with sections 11-8 and 11-8a of the general statutes;

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

91 (4) The views of governmental officials and entities and other
92 interested persons; and

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

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

104 Sec. 11. (NEW) (*Effective July 1, 2013*) The provisions of sections 1 to
105 10, inclusive, of this act modify, limit and supersede the Electronic
106 Signatures in Global and National Commerce Act, 15 USC 7001 et seq.,
107 but do not modify, limit or supersede Section 101(c) of said act, 15 USC
108 7001(c), or authorize electronic delivery of any of the notices described
109 in Section 103(b) of said act, 15 USC 7003(b).

110 Sec. 12. (*Effective January 1, 2015*) Sections 12 to 43, inclusive, of this
111 act may be cited as the Uniform Certificate of Title for Vessels Act.

112 Sec. 13. (*Effective January 1, 2015*) As used in sections 12 to 43,
113 inclusive, of this act:

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

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

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

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

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

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

131 (7) "Commissioner" means the Commissioner of Motor Vehicles;

132 (8) "Dealer" means a person, including a manufacturer, in the
133 business of selling vessels;

134 (9) "Department" means the Department of Motor Vehicles;

135 (10) "Documented vessel" means a vessel covered by a certificate of
136 documentation issued pursuant to 46 USC 12105. "Documented vessel"
137 does not include a foreign-documented vessel;

138 (11) "Electronic" means relating to technology having electrical,
139 digital, magnetic, wireless, optical, electromagnetic or similar
140 capabilities;

141 (12) "Electronic certificate of title" means a certificate of title
142 consisting of information that is stored solely in an electronic medium
143 and is retrievable in perceivable form;

144 (13) "Foreign-documented vessel" means a vessel the ownership of
145 which is recorded in a registry maintained by a country other than the
146 United States that identifies each person that has an ownership interest
147 in such vessel and includes a unique alphanumeric designation for the
148 vessel;

149 (14) "Good faith" means honesty in fact and the observance of
150 reasonable commercial standards of fair dealing;

151 (15) "Hull identification number" means the alphanumeric
152 designation assigned to a vessel pursuant to 33 CFR 181, as amended;

153 (16) "Lien creditor", with respect to a vessel, means:

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

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

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

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

160 (17) "Owner" means a person with legal title to a vessel;

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

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

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

172 (21) "Purchaser" means a person that takes by purchase;

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

176 (23) "Secured party", with respect to a vessel, means a person:

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

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

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

185 (24) "Secured party of record" means the secured party whose name
186 is indicated as the name of the secured party in the files of the

187 department or, if the files indicate more than one secured party, the
188 one first indicated;

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

211 (26) "Sign" means, with present intent to authenticate or adopt a
212 record, to:

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

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

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

219 States;

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

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

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

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

229 (A) A seaplane;

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

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

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

239 (E) A stationary floating structure that:

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

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

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

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

248 (G) Watercraft used solely as a lifeboat on another watercraft;

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

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

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

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

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

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

264 (38) "Knowledge" has the same meaning as provided in section 42a-
265 1-202 of the general statutes;

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

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

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

272 (42) "Sale" has the same meaning as provided in subdivision (1) of

273 section 42a-2-106 of the general statutes;

274 (43) "Security agreement" has the same meaning as provided in
275 subdivision (74) of subsection (a) of section 42a-9-102 of the general
276 statutes;

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

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

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

283 Sec. 14. (NEW) (*Effective January 1, 2015*) Subject to section 38 of this
284 act, the provisions of sections 12 to 43, inclusive, of this act shall apply
285 to any transaction, certificate of title or record relating to a vessel, even
286 if the transaction, certificate of title or record was entered into or
287 created before the effective date of sections 12 to 43, inclusive, of this
288 act.

289 Sec. 15. (NEW) (*Effective January 1, 2015*) Unless displaced by a
290 provision of sections 12 to 43, 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 25 and 29 to 32, 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) If the application is made in connection with a transfer of
364 ownership, the transferor's name, street address and, if different,
365 mailing address, the sales price, if any, and the date of the transfer;

366 (9) If the vessel previously was registered or titled in another
367 jurisdiction, a statement identifying each jurisdiction known to the
368 applicant in which the vessel was registered or titled; and

369 (10) Any further information the commissioner reasonably requires
370 to identify the vessel and to enable the commissioner to determine
371 whether the owner is entitled to a certificate of title and the existence
372 or nonexistence of security interests in the vessel.

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

376 (d) Except as otherwise provided in sections 29 to 32, inclusive, of
377 this act, an application for a certificate of title shall be accompanied by:

378 (1) A certificate of title signed by the owner shown on the certificate
379 that:

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

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

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

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

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

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

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

395 (f) The department may require that an application for a certificate
396 of title be accompanied by payment or evidence of payment of any or
397 all fees and taxes payable by the applicant under law of this state,
398 other than fees paid in connection with the application or the
399 acquisition or use of the vessel.

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

405 (b) If the department creates electronic certificates of title, the
406 department shall create an electronic certificate unless in the
407 application the secured party of record or, if none, the owner of record,
408 requests that the department create a written certificate.

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

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

412 (2) The application does not contain documentation sufficient for
413 the department to determine whether the applicant is entitled to a
414 certificate;

415 (3) There is a reasonable basis for concluding that the application is
416 fraudulent or issuance of a certificate would facilitate a fraudulent or
417 illegal act; or

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

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

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

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

426 (2) Is required to cancel the certificate pursuant to this section or
427 section 22, 29 or 30 of this act; or

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

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

432 (1) The date the certificate was created;

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

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

437 (4) The hull identification number;

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

440 (6) Except as otherwise provided in subsection (b) of section 25 of
441 this act, the name and mailing address of the secured party of record, if
442 any and, if not all secured parties are listed, an indication that there are
443 other security interests indicated in the files of the department; and

444 (7) Any other data the commissioner prescribes.

445 (b) Nothing in sections 12 to 43, inclusive, of this act shall preclude
446 the department from noting on a certificate of title the name and
447 mailing address of a secured party that is not a secured party of record.

448 (c) If the files of the department indicate that a vessel previously
449 was registered or titled in a foreign country, the department shall
450 indicate on the certificate of title that the vessel was registered or titled
451 in that country.

452 (d) A written certificate of title shall contain a form that all owners
453 indicated on the certificate may sign to evidence consent to a transfer
454 of an ownership interest to another person. The form shall include a
455 certification, signed under penalty of false statement, that the
456 statements made are true and correct to the best of each owner's
457 knowledge, information and belief.

458 Sec. 21. (NEW) (*Effective January 1, 2015*) (a) For each record relating
459 to a certificate of title submitted to the department, the department
460 shall:

461 (1) Maintain the hull identification number and all the information
462 submitted with the application pursuant to subsection (b) of section 18
463 of this act to which the record relates, including the date and time the
464 record was delivered to the department;

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

466 (3) Index the files of the department pursuant to subsection (b) of

467 this section.

468 (b) The department shall maintain in its files the information
469 contained in all certificates of title created pursuant to section 19 of this
470 act. The information in the files of the department shall be searchable
471 by the hull identification number of the vessel, the vessel number, the
472 name of the owner of record and any other method used by the
473 department.

474 (c) The department shall maintain in its files, for each vessel for
475 which it has created a certificate of title, the name of each secured
476 party known to the department, the name of each person known to the
477 department to be claiming an ownership interest and all stolen
478 property reports the department has received.

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

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

486 Sec. 22. (NEW) (*Effective January 1, 2015*) (a) On creation of a written
487 certificate of title, the department shall send the certificate to the
488 secured party of record or, if none, to the owner of record, at the
489 address indicated for that person in the files of the department. On
490 creation of an electronic certificate of title, the department shall send a
491 record evidencing the certificate to the owner of record and, if there is
492 one, to the secured party of record, at the address indicated for that
493 person in the files of the department. The department may send the
494 record to the person's mailing address or, if indicated in the files of the
495 department, an electronic address.

496 (b) If the department creates a written certificate of title, any such
497 written certificate shall cancel any such electronic certificate. The

498 department shall maintain in its files the date and time of such
499 cancellation.

500 (c) Before the department creates an electronic certificate of title, any
501 person holding a written certificate of title shall surrender such written
502 certificate. If the department creates an electronic certificate, the
503 department shall destroy or otherwise cancel any such surrendered
504 written certificate and maintain in its files the date and time of such
505 destruction or other cancellation. If a written certificate being canceled
506 is not destroyed, the department shall indicate on the face of the
507 certificate that it has been canceled.

508 Sec. 23. (NEW) (*Effective January 1, 2015*) A certificate of title is prima
509 facie evidence of the accuracy of the information in the record that
510 constitutes the certificate. In any criminal proceeding, a certified copy
511 of a certificate of title shall be prima facie evidence as to the ownership
512 of a vessel.

513 Sec. 24. (NEW) (*Effective January 1, 2015*) Possession of a certificate of
514 title does not in and of itself provide a right to obtain possession of a
515 vessel. Garnishment, attachment, levy, replevin or other judicial
516 process against the certificate shall not be effective to determine
517 possessory rights to the vessel. Sections 12 to 43, inclusive, of this act
518 do not prohibit enforcement under law of this state other than said
519 sections of a security interest in, levy on, or foreclosure of a statutory
520 or common law lien on a vessel. Absence of an indication of a statutory
521 or common law lien on a certificate shall not invalidate the lien.

522 Sec. 25. (NEW) (*Effective January 1, 2015*) (a) Except as otherwise
523 provided in this section or section 38 of this act, a security interest in a
524 vessel may be perfected only by delivery to the department of an
525 application for a certificate of title that identifies the secured party and
526 otherwise complies with section 18 of this act. The security interest
527 shall be perfected on the later of delivery to the department of the
528 application and all applicable fees or attachment of the security interest
529 under section 42a-9-203 of the general statutes.

530 (b) If the interest of a person named as owner, lessor, consignor or
531 bailor in an application for a certificate of title delivered to the
532 department is a security interest, the application sufficiently identifies
533 the person as a secured party. Identification on the application for a
534 certificate of a person as owner, lessor, consignor or bailor shall not in
535 and of itself be a factor in determining whether the person's interest is
536 a security interest.

537 (c) If the department has created a certificate of title for a vessel, a
538 security interest in the vessel may be perfected by delivery to the
539 department of an application, in such form as the department may
540 require, to have the security interest added to the certificate. The
541 application shall be signed by an owner of the vessel or by the secured
542 party and shall include:

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

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

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

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

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

552 (e) On delivery of an application that complies with subsection (c) of
553 this section and payment of all applicable fees, the department shall
554 create a new certificate of title pursuant to section 19 of this act and
555 deliver the new certificate or a record evidencing an electronic
556 certificate pursuant to subsection (a) of section 22 of this act. The
557 department shall maintain in its files the date and time of delivery of
558 the application to the department.

559 (f) If a secured party assigns a perfected security interest in a vessel,

560 the receipt by the department of a statement providing the name of the
561 assignee as secured party shall not be required to continue the
562 perfected status of the security interest against creditors of and
563 transferees from the original debtor. A purchaser of a vessel subject to
564 a security interest which obtains a release from the secured party
565 indicated in the files of the department or on the certificate takes free
566 of the security interest and of the rights of a transferee unless the
567 transfer is indicated in the files of the department or on the certificate.

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

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

573 (2) In a barge or any other vessel for which a certificate of title is not
574 permitted under sections 12 to 43, inclusive, of this act; or

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

578 (h) When a certificate of documentation for a documented vessel is
579 deleted or canceled, if a security interest in the vessel was valid
580 immediately before deletion or cancellation against a third party as a
581 result of compliance with 42 USC 31321, the security interest is and
582 remains perfected until the earlier of four months after cancellation of
583 the certificate or the time the security interest becomes perfected under
584 this section.

585 (i) A security interest in a vessel arising under section 42a-2-401 or
586 42a-2-505 of the general statutes, subdivision (3) of section 42a-2-711 of
587 the general statutes or subsection (d) of section 42a-2A-724 of the
588 general statutes shall be perfected when it attaches but shall become
589 unperfected when the debtor obtains possession of the vessel, unless
590 before the debtor obtains possession the security interest is perfected

591 pursuant to subsection (a) or (c) of this section.

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

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

598 Sec. 26. (NEW) (*Effective January 1, 2015*) (a) A secured party
599 indicated in the files of the department as having a security interest in
600 a vessel shall deliver a termination statement to the department in
601 such form as the department prescribes and, on the debtor's request, to
602 the debtor, by the earlier of:

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

608 (2) If the vessel is consumer goods, thirty days after there is no
609 obligation secured by the vessel and no commitment to make an
610 advance, incur an obligation or otherwise give value secured by the
611 vessel.

612 (b) If the department has created a written certificate of title and
613 delivered such certificate to a secured party and a termination
614 statement is required under subsection (a) of this section, the secured
615 party shall, not later than the date required by subsection (a) of this
616 section, deliver the certificate to the debtor or to the department with
617 the statement. If the certificate is lost, stolen, mutilated, destroyed or
618 otherwise unavailable or illegible, the secured party shall, not later
619 than the date required by subsection (a) of this section, deliver with the
620 statement an application for a replacement certificate meeting the
621 requirements of section 32 of this act.

622 (c) On delivery to the department of a termination statement
623 authorized by the secured party, the security interest to which the
624 statement relates ceases to be perfected. If the security interest to
625 which the statement relates was indicated on the certificate of title, the
626 department shall create a new certificate and deliver such new
627 certificate or a record evidencing an electronic certificate. The
628 department shall maintain in its files the date and time of delivery to
629 the department of the statement.

630 (d) A secured party that fails to comply with this section shall be
631 liable for any loss that the secured party had reason to know might
632 result from its failure to comply and that could not reasonably have
633 been prevented and for the cost of an application for a certificate of
634 title under section 18 or 32 of this act.

635 (e) The commissioner may require a secured party indicated in the
636 files of the department as having a security interest in a vessel to
637 electronically transmit to the department a termination statement
638 evidencing release of its security interest in a vessel.

639 Sec. 27. (NEW) (*Effective January 1, 2015*) (a) Upon voluntary transfer
640 of an ownership interest in a vessel covered by a certificate of title, the
641 following rules apply:

642 (1) If the certificate is a written certificate of title and the transferor's
643 interest is noted on the certificate, the transferor shall sign the
644 certificate and deliver it to the transferee. If the transferor does not
645 have possession of the certificate, the person in possession of the
646 certificate shall have a duty to facilitate the transferor's compliance
647 with this subdivision. A secured party shall not have a duty to
648 facilitate the transferor's compliance with this subdivision if the
649 proposed transfer is prohibited by the security agreement.

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

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

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

658 (c) Failure to comply with subsection (a) of this section or to apply
659 for a new certificate of title shall not render a transfer of ownership of a
660 vessel ineffective. Except as otherwise provided in section 28, section
661 29, subsection (a) of section 33 or section 34 of this act, a transfer of
662 ownership without compliance with subsection (a) of this section shall
663 not be effective against another person claiming an interest in the
664 vessel.

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

669 Sec. 28. (NEW) (*Effective January 1, 2015*) Except as otherwise
670 provided in section 42a-9-337 of the general statutes, a certificate of
671 title or other record required or authorized by sections 12 to 43,
672 inclusive, of this act shall be effective even if it contains incorrect
673 information or does not contain required information.

674 Sec. 29. (NEW) (*Effective January 1, 2015*) (a) For the purposes of this
675 section, "secured party's transfer statement" means a record signed by
676 the secured party of record stating:

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

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

681 (3) By reason of the exercise, the secured party of record has the
682 right to transfer the ownership interest of an owner, and the name of

683 the owner;

684 (4) The name and last known mailing address of the owner of
685 record and the secured party of record;

686 (5) The name of the transferee;

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

689 (7) One of the following:

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

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

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

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

701 (1) Accept the statement;

702 (2) Amend the files of the department to reflect the transfer; and

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

705 (A) Cancel the certificate even if the certificate has not been
706 delivered to the department;

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

708 (C) Deliver the new certificate or a record evidencing an electronic

709 certificate.

710 (c) An application submitted under subsection (a) of this section or
711 the creation of a certificate of title under subsection (b) of this section
712 shall not in and of itself be a disposition of the vessel and shall not in
713 and of itself relieve the secured party of its duties under article 9 of
714 title 42a of the general statutes.

715 Sec. 30. (NEW) (*Effective January 1, 2015*) (a) For purposes of this
716 section:

717 (1) "By operation of law" means pursuant to a law or judicial order
718 affecting ownership of a vessel:

719 (A) Because of death, divorce or other family law proceeding,
720 merger, consolidation, dissolution or bankruptcy;

721 (B) Through the exercise of the rights of a lien creditor or a person
722 having a lien created by statute or rule of law; or

723 (C) Through other legal process; and

724 (2) "Transfer-by-law statement" means a record signed by a
725 transferee stating that by operation of law the transferee has acquired
726 or has the right to acquire an ownership interest in a vessel.

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

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

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

733 (3) A statement that:

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

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

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

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

744 (c) Unless the department rejects a transfer-by-law statement for a
745 reason stated in subsection (c) of section 19 of this act or because the
746 statement does not include documentation satisfactory to the
747 department as to the transferee's ownership interest or right to acquire
748 the ownership interest, after delivery to the department of the
749 statement and payment of fees and taxes payable under the law of this
750 state other than sections 12 to 43, inclusive, of this act in connection
751 with the statement or with the acquisition or use of the vessel, the
752 department shall:

753 (1) Accept the statement;

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

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

757 (A) Cancel the certificate even if the certificate has not been
758 delivered to the department;

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

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

762 (D) Deliver the new certificate or a record evidencing an electronic

763 certificate.

764 (d) The provisions of this section shall not apply to a transfer of an
765 interest in a vessel by a secured party under sections 42a-9-601 to 42a-
766 9-628, inclusive, of the general statutes.

767 Sec. 31. (NEW) (*Effective January 1, 2015*) (a) Except as otherwise
768 provided in section 29 or 30 of this act, if the department receives,
769 unaccompanied by a signed certificate of title, an application for a new
770 certificate that includes an indication of a transfer of ownership or a
771 termination statement, the department may create a new certificate
772 under this section only if:

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

775 (2) The applicant provides an affidavit stating facts showing the
776 applicant is entitled to a transfer of ownership or termination
777 statement;

778 (3) The applicant provides the department with satisfactory
779 evidence in such form as the department prescribes that notification of
780 the application has been sent to the owner of record and all persons
781 indicated in the department's files as having an interest, including a
782 security interest, in the vessel, not less than forty-five days have passed
783 since the notification was sent, and the department has not received an
784 objection from such owner or persons; and

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

790 (b) The department shall indicate in a certificate of title created
791 under subsection (a) of this section that the certificate was created
792 without submission of a signed certificate or termination statement.

793 Unless credible information indicating theft, fraud or an undisclosed
794 or unsatisfied security interest, lien or other claim to an interest in the
795 vessel is delivered to the department not later than one year after
796 creation of the certificate, on request in a form and manner required by
797 the department, the department shall remove the indication from the
798 certificate.

799 (c) Unless the department determines that the value of a vessel is
800 less than five thousand dollars, before the department creates a
801 certificate of title under subsection (a) of this section, the department
802 may require the applicant to post a bond or provide an equivalent
803 source of indemnity or security. The bond, indemnity or other security
804 shall be in an amount equal to twice the value of the vessel as
805 determined by the department. The bond, indemnity or other security
806 shall be in a form required by the department and provide for
807 indemnification of any owner, purchaser or other claimant for any
808 expense, loss, delay or damage, including reasonable attorney's fees
809 and costs, but not including incidental or consequential damages,
810 resulting from creation or amendment of the certificate.

811 (d) Unless the department receives a claim for indemnity not later
812 than one year after creation of a certificate of title under subsection (a)
813 of this section, on request in a form and manner required by the
814 department, the department shall release any bond, indemnity or other
815 security.

816 Sec. 32. (NEW) (*Effective January 1, 2015*) (a) If a written certificate of
817 title is lost, stolen, mutilated, destroyed or otherwise becomes
818 unavailable or illegible, the secured party of record or, if no secured
819 party is indicated in the department's files, the owner of record may
820 apply for and, by furnishing information satisfactory to the
821 department, obtain a replacement certificate in the name of the owner
822 of record.

823 (b) An applicant for a replacement certificate of title shall sign the
824 application and, except as otherwise permitted by the department, the

825 application shall comply with section 18 of this act. The application
826 shall include the existing certificate unless the certificate is lost, stolen,
827 mutilated, destroyed or otherwise unavailable.

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

831 (d) If a person receiving a replacement certificate of title
832 subsequently obtains possession of the original written certificate, the
833 person promptly shall destroy the original certificate of title.

834 Sec. 33. (NEW) (*Effective January 1, 2015*) (a) A buyer in ordinary
835 course of business shall have the protections afforded by subdivision
836 (2) of section 42a-2-403 of the general statutes and subsection (a) of
837 section 42a-9-320 of the general statutes even if an existing certificate of
838 title was not signed and delivered to the buyer or a new certificate
839 listing the buyer as owner of record was not created.

840 (b) Except as otherwise provided in sections 27 and 34 of this act,
841 the rights of a purchaser of a vessel who is not a buyer in ordinary
842 course of business or a lien creditor shall be governed by the
843 provisions of title 42a of the general statutes.

844 Sec. 34. (NEW) (*Effective January 1, 2015*) (a) Subject to subsection (b)
845 of this section, the effect of perfection and nonperfection of a security
846 interest and the priority of a perfected or unperfected security interest
847 with respect to the rights of a purchaser or creditor, including a lien
848 creditor, shall be governed by the provisions of title 42a of the general
849 statutes.

850 (b) If, while a security interest in a vessel is perfected by any method
851 under section 25 of this act, the department creates a certificate of title
852 that does not indicate that the vessel is subject to the security interest
853 or contain a statement that it may be subject to security interests not
854 indicated on the certificate:

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

859 (2) The security interest is subordinate to a conflicting security
860 interest in the vessel that is perfected under section 25 of this act after
861 creation of the certificate and without the conflicting secured party's
862 knowledge of the security interest.

863 Sec. 35. (NEW) (*Effective January 1, 2015*) (a) The department shall
864 retain the evidence used by the department to determine the accuracy
865 of the information in its files relating to the current ownership of a
866 vessel and the information on the certificate of title.

867 (b) The department shall retain in its files all information received
868 by the department regarding a security interest in a vessel for not less
869 than ten years after the department receives a termination statement
870 regarding the security interest. The information shall be accessible by
871 the hull identification number for the vessel and any other methods
872 provided by the department.

873 (c) If a person submits a record to the department, or submits
874 information that the department accepts, and requests an
875 acknowledgment of the filing or submission, the department shall send
876 to the person an acknowledgment showing the hull identification
877 number of the vessel to which the record or submission relates, the
878 information in the filed record or submission, and the date and time
879 the record was received or the submission accepted. A request under
880 this section shall contain the hull identification number and be
881 delivered by means authorized by the department.

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

885 (1) Whether the files of the department indicate, as of a date and

886 time specified by the department, but not a date earlier than ten
887 calendar days before the department received the request, any
888 certificate of title, security interest or termination statement that relates
889 to a vessel:

890 (A) Identified by a hull identification number designated in the
891 request;

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

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

894 (2) With respect to the vessel:

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

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

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

902 (3) With respect to the vessel, a copy of any certificate of origin,
903 secured party transfer statement, transfer-by-law statement under
904 section 30 of this act and other evidence of previous or current
905 transfers of ownership.

906 (e) In responding to a request under this section, the department
907 may provide the requested information in any medium, provided on
908 request and upon payment of all applicable fees, the department shall
909 communicate the requested information by issuing the department's
910 written document.

911 Sec. 36. (NEW) (*Effective January 1, 2015*) In applying and construing
912 the provisions of the Uniform Certificate of Title for Vessels Act,
913 consideration shall be given to the need to promote uniformity of the

914 law with respect to its subject matter among states that enact such
915 uniform provisions.

916 Sec. 37. (NEW) (*Effective January 1, 2015*) The provisions of sections
917 12 to 43, inclusive, of this act modify, limit, and supersede the federal
918 Electronic Signatures in Global and National Commerce Act, 15 USC
919 7001, et seq., but do not modify, limit or supersede Section 101(c) of
920 said act, 15 USC 7001(c), or authorize electronic delivery of any of the
921 notices described in Section 103(b) of said act, 15 USC 7003(b).

922 Sec. 38. (NEW) (*Effective January 1, 2015*) (a) The rights, duties and
923 interests flowing from a transaction, certificate of title or record
924 relating to a vessel which was validly entered into or created before
925 January 1, 2015, and would be subject to sections 12 to 43, inclusive, of
926 this act if it had been entered into or created on or after January 1,
927 2015, remain valid on and after January 1, 2015.

928 (b) Sections 12 to 43, inclusive, of this act do not affect an action or
929 proceeding commenced before January 1, 2015.

930 (c) Except as otherwise provided in subsection (d) of this section, a
931 security interest that is enforceable immediately before January 1, 2015,
932 and would have priority over the rights of a person that becomes a lien
933 creditor at that time is a perfected security interest under sections 12 to
934 43, inclusive, of this act.

935 (d) A security interest in a vessel for which a certificate of title is
936 required under sections 12 to 43, inclusive, of this act that is perfected
937 immediately before January 1, 2015, remains perfected until the earlier
938 of:

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

941 (2) January 1, 2018.

942 (e) Sections 12 to 43, inclusive, of this act shall not affect the priority
943 of a security interest in a vessel if immediately before January 1, 2015,

944 the security interest is enforceable and perfected, and that priority is
945 established.

946 Sec. 39. (NEW) (*Effective January 1, 2015*) (a) The department shall be
947 paid the following fees: (1) For filing an application for a certificate of
948 title, twenty-five dollars; (2) for each security interest noted upon a
949 certificate of title or maintained in the electronic title file pursuant to
950 subsection (b) of section 25 of this act, ten dollars; (3) for each record
951 copy search, twenty dollars; (4) for each assignment of a security
952 interest noted upon a certificate of title or maintained in the electronic
953 title file, ten dollars; (5) for an application for a duplicate certificate of
954 title, twenty-five dollars, provided such fee shall not be required for
955 any such duplicate certificate of title; (6) for filing a notice of security
956 interest, ten dollars; (7) for filing a termination statement relating to a
957 security interest pursuant to section 26 of this act, ten dollars; (8) for
958 filing a secured party's transfer statement pursuant to section 29 of this
959 act, twenty-five dollars; (9) for filing a transfer-by-law statement
960 pursuant to section 30 of this act, twenty-five dollars; (10) for filing an
961 application for transfer of ownership or termination of a security
962 interest without a certificate of title pursuant to section 31 of this act,
963 twenty-five dollars; (11) for a certificate of search of the records of the
964 department for each name or hull identification number searched
965 against, twenty dollars; (12) for filing an assignment of security
966 interest, ten dollars; (13) for search of a vessel certificate of title record,
967 requested by a person other than the owner of record of such vessel,
968 twenty dollars; and (14) for a certified copy of any documentation,
969 information or other record maintained or created by the department,
970 twenty dollars.

971 (b) If an application, certificate of title or other document required to
972 be mailed or delivered to the department under any provision of
973 sections 12 to 43, inclusive, of this act is not delivered to the
974 department within ten days from the time it is required to be mailed or
975 delivered, the department shall collect, as a penalty, an amount equal
976 to the fee required for the transaction.

977 (c) Vessels leased to an agency of this state and vessels owned by
978 the state, an agency of the state or a municipality, as defined in section
979 7-245 of the general statutes, shall be exempt from the fees imposed by
980 this section.

981 Sec. 40. (NEW) (*Effective January 1, 2015*) (a) The commissioner shall
982 prescribe and provide suitable forms of applications, certificates of
983 title, notices of security interests and all other notices and forms
984 necessary to carry out the provisions of sections 12 to 43, inclusive, of
985 this act.

986 (b) The commissioner may: (1) Make necessary investigations to
987 procure information required to carry out the provisions of sections 12
988 to 43, inclusive, of this act; and (2) adopt and enforce reasonable rules
989 to carry out the provisions of said sections of this act.

990 (c) The commissioner may adopt regulations, in accordance with the
991 provisions of chapter 54 of the general statutes, to provide for the
992 implementation of any of the provisions of sections 12 to 43, inclusive,
993 of this act and for the placement of additional indications on any
994 certificate of title concerning the condition of or status of title to any
995 vessel. An indication shall be placed on a certificate of title stating that
996 the vessel may be subject to security interests not shown on the
997 certificate when: (1) This state becomes the state of principal use of the
998 vessel from another state; (2) the vessel was not a documented or
999 foreign-documented vessel immediately prior to the application for the
1000 certificate of title; and (3) the immediately previous state of principal
1001 use of the vessel did not issue, or does not have a requirement for, a
1002 certificate of title for the vessel. Such regulations, as may be adopted
1003 by the commissioner, shall provide for an opportunity for a hearing, in
1004 accordance with the provisions of chapter 54 of the general statutes
1005 and section 41 of this act, for any person aggrieved by any action,
1006 omission to act or decision of the commissioner or of the department
1007 made pursuant to this subsection.

1008 (d) The commissioner shall adopt regulations, in accordance with

1009 the provisions of chapter 54 of the general statutes, concerning the
1010 inclusion of a title brand on a certificate of title for a vessel. In adopting
1011 such regulations the commissioner shall consider whether special
1012 branding categories such as "hull damaged" shall be included on the
1013 certificate of title for a vessel.

1014 Sec. 41. (NEW) (*Effective January 1, 2015*) A person aggrieved by an
1015 action, omission to act or decision of the commissioner or of the
1016 department under sections 12 to 43, inclusive, of this act shall be
1017 entitled, upon request, to a hearing in accordance with the provisions
1018 of chapter 54 of the general statutes.

1019 Sec. 42. (NEW) (*Effective January 1, 2015*) A person aggrieved by an
1020 action, omission to act or decision of the commissioner or of the
1021 department under sections 12 to 43, inclusive, of this act may appeal
1022 therefrom in accordance with the provisions of section 4-183 of the
1023 general statutes, except venue for such appeal shall be in the judicial
1024 district of New Britain.

1025 Sec. 43. (NEW) (*Effective January 1, 2015*) (a) A person who, with
1026 fraudulent intent: (1) Alters, forges or counterfeits a certificate of title;
1027 (2) alters or forges an assignment of a certificate of title, or an
1028 assignment or release of a security interest or a termination statement,
1029 on a certificate of title or a form the department prescribes; (3) has
1030 possession of or uses a certificate of title knowing it to have been
1031 altered, forged or counterfeited; or (4) uses a false or fictitious name or
1032 address, or makes a material false statement, or fails to disclose a
1033 security interest, or conceals any other material fact, in an application
1034 for a certificate of title, shall be fined not less than five hundred dollars
1035 nor more than one thousand dollars or be imprisoned not less than one
1036 year nor more than five years or be both fined and imprisoned.

1037 (b) A person who: (1) With fraudulent intent, permits another, not
1038 entitled thereto, to use or have possession of a certificate of title; (2)
1039 wilfully fails to mail or deliver a certificate of title or application
1040 therefor to the department within ten days after the time required by

1041 sections 12 to 43, inclusive, of this act; (3) wilfully fails to deliver to his
 1042 transferee a certificate of title within ten days after the time required by
 1043 sections 12 to 43, inclusive, of this act; or (4) wilfully violates any
 1044 provision of sections 12 to 43, inclusive, of this act, except as provided
 1045 in subsection (a) of this section, shall be fined not more than one
 1046 thousand dollars or be imprisoned not more than two years or be both
 1047 fined and imprisoned.

1048 Sec. 44. Subdivision (2) of subsection (a) of section 14-10 of the 2012
 1049 supplement to the general statutes is repealed and the following is
 1050 substituted in lieu thereof (*Effective October 1, 2012*):

1051 (2) "Motor vehicle record" means any record that pertains to an
 1052 operator's license, learner's permit, identity card, registration,
 1053 certificate of title or any other document issued by the Department of
 1054 Motor Vehicles. "Motor vehicle record" does not include any record
 1055 relating to vessels and certificates of title for vessels, as provided in
 1056 section 21 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>October 1, 2012</i>	14-10(a)(2)

JUD *Joint Favorable Subst.*