

# Legal Assistance Resource Center

## ❖ of Connecticut, Inc. ❖

44 Capitol Avenue, Suite 301 ❖ Hartford, Connecticut 06106  
(860) 278-5688 x203 ❖ cell (860) 836-6355 ❖ fax (860) 278-2957 ❖ RPodolsky@LARCC.org

### H.B. 6026 -- Towing of motor vehicles

Transportation Committee public hearing -- February 13, 2013

Testimony of Raphael L. Podolsky

**Recommended Committee action: NO ACTION ON THE BILL**

It is unclear what is intended by this bill that is not covered by existing law. The bill would provide that any person towing a motor vehicle that has been abandoned or is disabled at the scene of an accident may sell the vehicle and apply the proceeds toward the cost of the tow. That, however, is almost an exact summary of current law. C.G.S. 14-150 spells out in detail the procedures by which a towing company is to be reimbursed from the sale of the vehicle if it is not claimed by its owner. The company can also sue (usually in small claims court) for any portion of those costs not collected. There is no apparent need to change the statute.

The rules for reclaiming a motor vehicle are driven not only by policy considerations intended to give the vehicle's owner a reasonable opportunity to get the vehicle back but also by fundamental considerations of constitutional due process, which have been litigated in significant state and federal court cases. More than 30 years ago, the previous version of this statute was held unconstitutional by the federal courts for failure to provide adequate procedures. See Tedeschi v. Blackwood, 410 F. Supp. 34 (1976). Parts of the statute were also declared unconstitutional by the Connecticut Appellate Court in Dutch Point Credit Union, Inc. v. Caron Auto Works, Inc., 36 Conn. App. 123 (1994). Current Connecticut law is an effort to comply with those constitutional requirements.

In addition, it should not be forgotten that much of the storage and redemption process is highly disadvantageous to Connecticut motor vehicle owners, and especially to those of low income who may not have the ready cash to reclaim a vehicle quickly. To them, the towing of a motor vehicle can result in the loss of the vehicle through towing and storage charges that are difficult to pay immediately after the tow and may grow into an impossible amount if the vehicle cannot be reclaimed quickly. Even for car owners who are able easily to bail out their cars, getting a car back after a tow can be a very frustrating experience. Public policy in this area should be two-sided. Not only should it provide for compensation to the towing company for the towing and storage of the vehicle but it should also prevent the permanent and disproportionate loss of the vehicle for owners who want to reclaim their car after a tow.