

Legal Assistance Resource Center

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Section 19 of H.B. 5250 -- Towing of from private property

Transportation Committee public hearing – February 28, 2014

Testimony of Raphael L. Podolsky

Recommended Committee action: AMENDMENT OF SECTION 19

We urge the Committee to modify lines 383 to 385 of this bill, which are part of Section 19. Section 19 amends Conn. Gen. Stats. §14-145 to change procedures when a motor vehicle is towed from private property. As written, however, it seems to take away from the vehicle's owner the right to a hearing to dispute the validity of the tow. That is because, in lines 383 to 385, it deletes a cross-reference to §14-150(e), which in conjunction with §14-150(f), gives vehicle owners the right to a hearing. Those lines substitute a cross-reference to §14-150(g) through (i), which make no mention of the right to request a hearing.

It is not clear whether repeal of the right to a hearing is intentional. We hope that it is not. It is especially important to have access to a hearing for vehicles towed from private property. For example, it is not uncommon for a tenant to claim that the landlord wrongfully had his car towed. This is in contrast to most other involuntary tows, where a police officer will ordinarily have issued a ticket or called for a tow truck. An administrative hearing allows a neutral to determine the validity of the tow.

The language of Section 19 should be modified to make clear that the owner of the towed vehicle has the right to request a hearing pursuant to subsections (e) and (f) of §14-150.