

IMPORTANT: Use this form (REGS-1) to submit permanent regulations to the Legislative Regulation Review Committee.
For emergency regulations, use form REGS-1-E instead.
For non-substantive technical amendments and repeals proposed without prior notice or hearing as permitted by subsection (g) of CGS 4-168, as amended by PA 13-247 and PA 13-274, use form REGS-1-T instead.

Please read the additional instructions on the back of the last page (Certification Page) before completing this form. Failure to comply with the instructions may cause disapproval of proposed regulations.

State of Connecticut
REGULATION
of the

NAME OF AGENCY:

Department of Motor Vehicles

Concerning

SUBJECT MATTER OF REGULATION:

Complaints Against and Stipulation by Motor Vehicle Dealers and Repairers

Section 1. Sections 14-63-45b and 14-63-45c of the Regulations of Connecticut State Agencies are amended and the following is substituted in lieu thereof:

Section 14-63-45b. Procedure for filing customer complaints

The following procedures shall be utilized by the division to receive and process complaints from customers of licensees, concerning the operations of and services provided by any such licensees:

1. Each complaint shall be in writing in a form provided by or acceptable to the Commissioner;
2. The complaint shall be a plain statement of the facts that form the basis of the claim against the licensee;
3. The complaint shall include the licensee's name, the customer's name and address, the date or dates on which the transaction or transactions with the licensee occurred, and if applicable, the description of any vehicle or vehicles that are the subject of a complaint;
4. The complaint shall be accompanied by all supporting material that pertains to the claim, including but not limited to invoices, repair orders and evidence of payment;
5. The division may request additional materials, which shall be provided by the customer if available; and
6. The complaint and supporting material shall be filed with the Department of Motor Vehicles, [Dealers and Repairers Complaints] Consumer Complaint Center, 60 State Street, Wethersfield, CT 06161.

Sec. 14-63-45c. Procedure and investigation [upon receipt] of customer complaint.

(a) Within fourteen (14) days of receipt of a customer complaint, a person within the division, as designated, shall notify the customer and the licensee [in writing] that the complaint was received, and that it shall be subject to further [review] investigation.

[(b) Within thirty (30) days of receiving a customer complaint, it shall be reviewed by a person designated.] The [review] investigation shall consist of:

1. A determination of whether the complaint is complete and all relevant documents are attached; and
2. A determination of whether the complaint states facts which if true, give rise to one or more violations of sections 14-51 through [14-66b] 14-66c, inclusive, of the Connecticut General Statutes, the regulations adopted thereunder, or both.

[(c)](b) In the event that the complaint is incomplete, the person designated to [review] investigate the complaint shall [state in writing] notify the customer what deficiencies exist in the complaint [, and notify the customer by mail]. The customer shall have [thirty (30)] twenty (20) days to correct the deficiencies noted. The investigator shall provide the customer, in writing, the date by which any deficiencies are due to the division. At his or her discretion, the person designated to [review] investigate the complaint may permit the customer additional time to submit materials, provided the customer has contacted the division within the original time period allotted to correct deficiencies. In the event that the deficiencies are not corrected within the specified time period or any extension of that time period, no action shall be taken on the complaint, the complaint file shall be closed, and the customer and the licensee shall be so notified [in writing]. The investigator shall keep a written record of all conversations with the customer and include such record in the customer complaint file.

[(d)](c) In the event that the complaint does not state facts that give rise to a violation of sections 14-51 [though 14-66b] through 14-66c, inclusive, of the Connecticut General Statutes, the regulations adopted thereunder, or both, the person designated to [review] investigate the complaint shall notify the customer and the licensee in writing that the department does not have jurisdiction over the matter, and shall not proceed with the complaint.

[(e)](d) If after [review] investigation it is determined that a complaint is complete and states one or more violations of sections 14-51 through [14-66b] 14-66c, inclusive, of the Connecticut General Statutes, the regulations adopted thereunder, or both, the person designated to [review] investigate the complaint shall notify the customer and the licensee [in writing]. The [written] notification shall relate the particular matters involved in the complaint, and shall inform the licensee that it [must file with the division a written response] shall respond to the matters alleged in the complaint within [thirty (30)] ten (10) days of the date of the [written] notification. [If the licensee fails to respond within the thirty (30) day period, the division shall send one additional notice to the licensee stating that failure to respond within a ten (10) day period from the date of the letter may result in an action against its license.]

[(f)](e) Upon receipt of the licensee's response, the person designated to [review] investigate the complaint [shall] may:

1. [Recommend that] Mediate a voluntary resolution of the complaint [be attempted through voluntary mediation;] that is acceptable to the consumer and the licensee;
2. Recommend that the complaint proceed [directly to an investigation] to an administrative hearing; or
3. Determine that no action is to be taken, and [indicate] notify the customer and the licensee in writing of the reason for that determination.

(f) If the complaint is resolved through voluntary mediation, the licensee shall waive its right to an administrative hearing under Chapter 54 of the Connecticut General Statutes.

(g) If the licensee enters into a stipulated agreement, settlement agreement or consent order, and fails to comply with the terms thereof, the licensee's license shall be suspended in accordance with the terms of the stipulated agreement, settlement agreement or consent order.

(h) If the investigator determines that there is one or more probable violations of sections 14-51 through 14-66c, inclusive, of the Connecticut General Statutes, or the regulations adopted

thereunder, or both, and the division determines that it will take action thereon, the division shall notify the licensee and the customer and shall proceed in accordance with the Department of Motor Vehicles Rules of Practice as set forth in sections 14-137-36 through 14-137-39, inclusive, of the Regulations of Connecticut State Agencies, regardless of whether the matter has or has not been settled between the customer and the licensee.

Sec.2. Sections 14-63-45d to 14-63-45e, inclusive, of the Regulations of Connecticut State Agencies are repealed.

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

The amendment simplifies and streamlines the procedures concerning the operations of and services provided by the Consumer Complaint Center of the Department of Motor Vehicles which will enhance the effectiveness of the center. The amendment also (1) clarifies the role of the agency investigator in such matters and (2) incorporates changes from the 2013 legislative session that provide greater flexibility for the Commissioner in cases where one or more violations of law have occurred.