



Senate Bill No. 509

Public Act No. 15-42

AN ACT REGULATING THE TOWING OF MOTOR VEHICLES, THE USE OF WHEEL-LOCKING DEVICES AND THE REPOSSESSION BY LENDING INSTITUTIONS OF MOTOR VEHICLES.

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

Section 1. Section 14-145 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) (1) An owner or lessee of private property, or his or her agent, may remove or cause to be removed, or may use a wheel-locking device to render immovable, any motor vehicle left without authorization on such property in accordance with the provisions of this section and sections 14-145a to 14-145c, inclusive, as amended by this act, provided any owner or lessee of private commercial property, or his or her agent, shall install conspicuous signage stating that motor vehicles left without authorization on such private commercial property may be removed or rendered immovable and indicating where such motor vehicle will be stored, how the vehicle may be redeemed and any costs or fees that may be charged.

(2) A lending institution may repossess any motor vehicle, in accordance with the provisions of section 36a-785, as amended by this act, by contracting with a wrecker licensed under section 14-66 or an

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entity exempt from such licensure, as provided in subsection (f) of section 14-66, to tow or otherwise remove such motor vehicle in accordance with the provisions of this section and sections 14-145a to 14-145c, inclusive, as amended by this act. In the case of a repossession, no signage as described in subdivision (1) of this subsection shall be required.

(3) This section shall not apply to law enforcement, fire-fighting, rescue, ambulance or emergency vehicles which are marked as such, or to [the removal of motor vehicles from] motor vehicles left without authorization on property leased by any governmental agency.

(b) (1) (A) When [such] an unauthorized motor vehicle is towed or otherwise removed by a wrecker licensed under section 14-66, or a repossessed motor vehicle is towed or otherwise removed by a wrecker or an exempt entity, the licensee or operator of the wrecker or the exempt entity shall notify the local police department of the tow or removal within two hours. Such notification shall be submitted, in writing, or transmitted by facsimile or electronic mail and the record of such notification shall be retained by such licensee, operator or exempt entity in accordance with the provisions of section 14-66b, as amended by this act. [The local police department shall, not later than forty-eight hours after receiving such notification, enter the vehicle identification number into the National Crime Information Center database and the Connecticut On-Line Law Enforcement Communications Teleprocessing System to determine whether such motor vehicle has been reported as stolen. If such motor vehicle has been reported as stolen, the local police department shall immediately notify the department that reported the vehicle as stolen.]

(B) No such licensee, [or] operator or exempt entity may charge a storage fee for [such] an unauthorized or repossessed motor vehicle for the time it is stored prior to notification of the local police department by the licensee, [or] operator or exempt entity. If such motor vehicle is

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not claimed within forty-eight hours, the licensee or operator of the wrecker or of the garage where such motor vehicle is stored or the exempt entity shall immediately complete a notice of such tow, on a form prescribed by the [commissioner] Commissioner of Motor Vehicles, and mail a copy of such form by certified mail, return receipt requested, to the owner and all lienholders of record. If the motor vehicle is not claimed by its owner within the time periods specified in subsection (e) of section 14-150, the licensee or operator of the wrecker or of the garage where such motor vehicle is stored or the exempt entity may dispose of it in accordance with the provisions of subsection (e) and subsections (g) to (i), inclusive, of section 14-150.

(2) (A) When an unauthorized motor vehicle is rendered immovable through use of a wheel-locking device by an owner or lessee of private property or his or her agent, such owner, lessee or agent shall notify the local police department of such action within two hours. Such notification shall be submitted in writing or transmitted by facsimile or electronic mail. The record of such notification shall be retained by such owner, lessee or agent at the private property upon which such action took place, for a period of not less than six months and shall be available for inspection during regular business hours by any sworn member of the local police department or law enforcement officer or inspector designated by the Commissioner of Motor Vehicles.

(B) No owner, lessee or agent may charge a fee to remove a wheel-locking device prior to notification of the local police department. The fee charged to remove a wheel-locking device may not be more than fifty dollars. The person claiming the motor vehicle may choose to pay such fee in cash, by check or by debit or credit card. Ten per cent of such fee shall be remitted to the local police department by the owner, lessee or agent. If such motor vehicle is not claimed within forty-eight hours after being rendered immovable, the owner, lessee or agent shall immediately complete a notice that such motor vehicle has been

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rendered immovable, on a form prescribed by the commissioner, and mail a copy of such form by certified mail, return receipt requested, to the owner of such motor vehicle and all lienholders of record. If the motor vehicle is not claimed by its owner within the time periods specified in subsection (e) of section 14-150, the owner, lessee or agent may dispose of such motor vehicle in accordance with the provisions of subsection (e) and subsections (g) to (i), inclusive, of section 14-150.

(3) The local police department, not later than forty-eight hours after receiving notification of a tow or removal of an unauthorized motor vehicle pursuant to subdivision (1) of this subsection, or use of a wheel-locking device pursuant to subdivision (2) of this subsection, shall enter the vehicle identification number into the National Crime Information Center database and the Connecticut On-Line Law Enforcement Communications Teleprocessing System to determine whether such motor vehicle has been reported as stolen. If such motor vehicle has been reported as stolen, the local police department shall immediately notify the department that reported the vehicle as stolen.

(c) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, (1) specifying the circumstances under which title to any motor vehicle towed or stored, or both, or rendered immovable under this section may be transferred to any person, firm or corporation towing, [or] storing or rendering immovable such vehicle, and (2) establishing the procedure whereby such person, firm or corporation may obtain title to such motor vehicle.

(d) Any person who violates any provision of this section shall, for a first offense, be deemed to have committed an infraction and be fined fifty dollars, and, for each subsequent offense, shall be fined not less than fifty dollars and not more than one hundred dollars or imprisoned not more than thirty days or be both fined and imprisoned.

Sec. 2. Section 14-145a of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) No vehicle shall be towed or removed from private property or rendered immovable on private property through use of a wheel-locking device except (1) upon express instruction of the owner or lessee, or his or her agent, of the property upon which the vehicle is trespassing, or (2) for the purpose of repossession of the motor vehicle by a lending institution. Nothing in this subsection shall be construed to limit the right of a municipality or the state to remove an abandoned motor vehicle in accordance with the provisions of section 14-150.

(b) No person or firm [which] that tows or removes a motor vehicle from private property or renders a motor vehicle immovable on private property shall rebate or pay any money or other valuable consideration to the owner or lessee, or his or her agent, of the property from which the vehicle is towed or removed or on which the vehicle is rendered immovable, or to a lending institution, for the privilege of towing, [or] removing [that] or rendering immovable such vehicle.

Sec. 3. Section 14-145b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) (1) Any vehicle towed or removed from private property pursuant to sections 14-145 to 14-145c, inclusive, as amended by this act, shall be stored at the site of the towing company's business in a secured storage lot. The site shall be open during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, and be reasonably available on Saturday, Sunday and holidays, for the purpose of vehicle redemption.

(2) No vehicle shall be rendered immovable on private property through use of a wheel-locking device pursuant to sections 14-145 to 14-145c, inclusive, as amended by this act, unless the vehicle is located in a secure place on such property that is reasonably accessible for the

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purpose of vehicle redemption. Personnel to provide for vehicle redemption shall be on such property for not less than eight hours after a vehicle has been rendered immovable. Additionally, signage shall describe the hours for vehicle redemption when the eight-hour deadline has passed. If the vehicle is towed or removed from such property, all provisions of sections 14-145 to 14-145c, inclusive, as amended by this act, relating to the towing or removal of a vehicle shall be applicable.

(b) When a vehicle has been towed or removed pursuant to sections 14-145 to 14-145c, inclusive, as amended by this act, it shall be released to its owner, a lending institution or a person authorized by the owner or lending institution to regain possession, upon demand, provided the demand is made between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or at a reasonable time on Saturday, Sunday or holidays and the owner or authorized person presents proof of registration and pays the costs of towing or removal and of storage.

(c) Any vehicle owner, lending institution or agent of the owner or lending institution, shall have the right to inspect the vehicle before accepting its return or removal of a wheel-locking device. No general release of any kind [which] that would release the person or firm towing, [or] removing or storing the vehicle or rendering the vehicle immovable from liability for damages or from liability for any claim that the vehicle was towed or rendered immovable without justification may be required from any vehicle owner, lending institution or agent of the owner or lending institution, as a condition of release of the vehicle. A receipt showing the name of the person or firm towing or removing the vehicle or rendering the vehicle immovable and an itemization of the charges shall be provided to the person paying the towing or removal and storage costs or the charge for removal of a wheel-locking device at the time of payment.

Sec. 4. Section 14-145c of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective October 1, 2015*):

Whenever an owner or lessee of private property or a lending institution, or [his] such owner's, lessee's or institution's agent, improperly causes a motor vehicle to be towed or removed from such property or rendered immovable on such property, the owner or lessee of the property or the lending institution shall be liable to the owner of the vehicle for the costs of towing or removal and of storage of the vehicle or for fees charged for removing a wheel-locking device, and for reasonable attorney's fees and court costs, if applicable.

Sec. 5. (NEW) (*Effective October 1, 2015*) (a) Any person, firm or corporation that engages in rendering motor vehicles immovable through the use of wheel-locking or similar devices and is hired by an owner or lessee of private property to render unauthorized motor vehicles immovable on such owner or lessee's private property shall, five business days prior to taking such action within a municipality, notify the chief of police of the local police department of such municipality of such activities. Such notification shall be in the form and manner directed by the chief of police.

(b) Any person who violates any provision of this section shall, for a first offense, be deemed to have committed an infraction and be fined fifty dollars and, for each subsequent offense, shall be fined not less than fifty dollars and not more than one hundred dollars or imprisoned for not more than thirty days or be both fined and imprisoned.

Sec. 6. Section 14-66b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

Each owner of a wrecker registered pursuant to subsection (c) of section 14-66 shall keep and maintain a record stating the following information: (1) The registration number of each motor vehicle towed

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or transported and the registration number of each wrecker used to tow or transport such motor vehicle; (2) the date and time the tow commenced and was completed; (3) the location from which the disabled motor vehicle was towed and the destination of such tow; (4) the mileage of the wrecker at the commencement and completion of the tow; (5) the charge for tow service and any other charges incurred for services related to such tow; (6) the name and address of the person requesting tow service; and (7) any other information the commissioner deems necessary, specified in regulations adopted in accordance with the provisions of chapter 54. Such records shall be retained at the place of business of the wrecker service for a period of two years and shall be available for inspection during regular business hours by any law enforcement officer or inspector designated by the Commissioner of Motor Vehicles. Each owner of a wrecker shall also keep and maintain copies of any written contracts with owners or lessees of property authorizing the towing or removal of motor vehicles from the property of such owner or lessee, or with lending institutions repossessing any motor vehicles, as provided in section 14-145, as amended by this act, and such contracts shall be available for inspection by motor vehicle owners, [or] agents of the owners, or lending institutions, upon request. The Commissioner of Motor Vehicles may permit any licensed motor vehicle dealer who operates a wrecker service to maintain, in an electronic format prescribed by the commissioner, all records, documents and forms required by the Department of Motor Vehicles. Such records, documents and forms shall be produced in written format, upon request by the department, during the licensee's business hours on the same day of such request. Any person who violates any provision of this section shall be deemed to have committed an infraction.

Sec. 7. Subsection (a) of section 36a-785 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

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(a) When the retail buyer is in default in the payment of any sum due under the retail installment contract or installment loan contract, or in the performance of any other condition that such contract requires him to perform, or in the performance of any promise, the breach of which is by such contract expressly made a ground for the retaking of the goods, the holder of the contract may retake possession thereof, provided the filing of a petition in bankruptcy under 11 USC Chapter 7 by a retail buyer of a motor vehicle, or such retail buyer's status as a debtor in bankruptcy, shall not be considered a default of a retail installment contract or ground for repossession of such motor vehicle. Unless the goods can be retaken without breach of the peace, it shall be retaken by legal process, but nothing herein contained shall be construed to authorize a violation of the criminal law. In the case of repossession of any motor vehicle without the knowledge of the retail buyer, the local police department shall be notified of such repossession [immediately thereafter] within two hours. In the absence of a local police department or if the local police department cannot be reached for notification, the state police shall be promptly notified of such repossession.

Sec. 8. Subsection (a) of section 4b-13 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) The Commissioner of Administrative Services may establish policies and procedures for the maintenance of order on and the use of parking areas on any property owned by the state or under the supervision of said commissioner, except as provided in sections 2-71h, 10a-79, 10a-92 and 10a-139 and except for properties under the supervision, care and control of the Chief Court Administrator. Any person violating any such policy or procedure shall be fined not more than seventy-five dollars and the vehicle in violation of such policy or procedure may be towed, provided there is conspicuous signage

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giving notice of such towing and indicating where the vehicle will be stored, how the vehicle may be redeemed and any costs or fees that may be charged. The enforcement of any such policy or procedure shall be by special policemen appointed under section 29-18 and by Department of Administrative Services buildings and grounds patrol officers, except that only such special policemen may tow, or cause the towing of, such vehicles.

Sec. 9. Subparagraph (B) of subdivision (7) of subsection (c) of section 7-148 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(B) (i) Regulate and prohibit, in a manner not inconsistent with the general statutes, traffic, the operation of vehicles on streets and highways, off-street parking and on-street residential neighborhood parking areas in which on-street parking is limited to residents of a given neighborhood, as determined by the municipality;

(ii) Regulate the speed of vehicles, subject to the provisions of the general statutes relating to the regulation of the speed of motor vehicles and of animals, and the driving or leading of animals through the streets;

(iii) Require that conspicuous signage be posted in any area where a motor vehicle may be subject to towing or to the use of a wheel-locking device that renders such motor vehicle immovable, and that such signage indicate where the motor vehicle will be stored, how the vehicle may be redeemed and any costs or fees that may be charged;

Approved June 5, 2015