



General Assembly

Amendment

January Session, 2015

LCO No. 6873



Offered by:
SEN. LEONE, 27th Dist.

To: Senate Bill No. 509

File No. 431

Cal. No. 283

**"AN ACT CONCERNING THE TOWING OF REPOSSESSED CARS,
AND NOTICES REQUIRED FOR TOW ZONES."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 14-145 of the general statutes is repealed and the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

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

16 (2) A lending institution may repossess any motor vehicle, in
17 accordance with the provisions of section 36a-785, as amended by this
18 act, by contracting with a wrecker licensed under section 14-66 or an
19 entity exempt from such licensure, as provided in subsection (f) of
20 section 14-66, to tow or otherwise remove such motor vehicle in
21 accordance with the provisions of this section and sections 14-145a to
22 14-145c, inclusive, as amended by this act. In the case of a repossession,
23 no signage as described in subdivision (1) of this subsection shall be
24 required.

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

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

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

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

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

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

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

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

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

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

110 Sec. 2. Section 14-145a of the general statutes is repealed and the
111 following is substituted in lieu thereof (*Effective October 1, 2015*):

112 (a) No vehicle shall be towed or removed from private property or

113 rendered immovable on private property through use of a wheel-
114 locking device except (1) upon express instruction of the owner or
115 lessee, or his or her agent, of the property upon which the vehicle is
116 trespassing, or (2) for the purpose of repossession of the motor vehicle
117 by a lending institution. Nothing in this subsection shall be construed
118 to limit the right of a municipality or the state to remove an abandoned
119 motor vehicle in accordance with the provisions of section 14-150.

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

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

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

136 (2) No vehicle shall be rendered immovable on private property
137 through use of a wheel-locking device pursuant to sections 14-145 to
138 14-145c, inclusive, as amended by this act, unless the vehicle is located
139 in a secure place on such property that is reasonably accessible for the
140 purpose of vehicle redemption. Personnel to provide for vehicle
141 redemption shall be on such property for not less than eight hours
142 after a vehicle has been rendered immovable. Additionally, signage
143 shall describe the hours for vehicle redemption when the eight-hour
144 deadline has passed. If the vehicle is towed or removed from such

145 property, all provisions of sections 14-145 to 14-145c, inclusive, as
146 amended by this act, relating to the towing or removal of a vehicle
147 shall be applicable.

148 (b) When a vehicle has been towed or removed pursuant to sections
149 14-145 to 14-145c, inclusive, as amended by this act, it shall be released
150 to its owner, a lending institution or a person authorized by the owner
151 or lending institution to regain possession, upon demand, provided
152 the demand is made between the hours of 8:00 a.m. and 5:00 p.m.,
153 Monday through Friday or at a reasonable time on Saturday, Sunday
154 or holidays and the owner or authorized person presents proof of
155 registration and pays the costs of towing or removal and of storage.

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

170 Sec. 4. Section 14-145c of the general statutes is repealed and the
171 following is substituted in lieu thereof (*Effective October 1, 2015*):

172 Whenever an owner or lessee of private property or a lending
173 institution, or [his] such owner's, lessee's or institution's agent,
174 improperly causes a motor vehicle to be towed or removed from such
175 property or rendered immovable on such property, the owner or lessee
176 of the property or the lending institution shall be liable to the owner of

177 the vehicle for the costs of towing or removal and of storage of the
178 vehicle or for fees charged for removing a wheel-locking device, and
179 for reasonable attorney's fees and court costs, if applicable.

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

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

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

197 Each owner of a wrecker registered pursuant to subsection (c) of
198 section 14-66 shall keep and maintain a record stating the following
199 information: (1) The registration number of each motor vehicle towed
200 or transported and the registration number of each wrecker used to
201 tow or transport such motor vehicle; (2) the date and time the tow
202 commenced and was completed; (3) the location from which the
203 disabled motor vehicle was towed and the destination of such tow; (4)
204 the mileage of the wrecker at the commencement and completion of
205 the tow; (5) the charge for tow service and any other charges incurred
206 for services related to such tow; (6) the name and address of the person
207 requesting tow service; and (7) any other information the
208 commissioner deems necessary, specified in regulations adopted in

209 accordance with the provisions of chapter 54. Such records shall be
210 retained at the place of business of the wrecker service for a period of
211 two years and shall be available for inspection during regular business
212 hours by any law enforcement officer or inspector designated by the
213 Commissioner of Motor Vehicles. Each owner of a wrecker shall also
214 keep and maintain copies of any written contracts with owners or
215 lessees of property authorizing the towing or removal of motor
216 vehicles from the property of such owner or lessee, or with lending
217 institutions repossessing any motor vehicles, as provided in section 14-
218 145, as amended by this act, and such contracts shall be available for
219 inspection by motor vehicle owners, [or] agents of the owners, or
220 lending institutions, upon request. The Commissioner of Motor
221 Vehicles may permit any licensed motor vehicle dealer who operates a
222 wrecker service to maintain, in an electronic format prescribed by the
223 commissioner, all records, documents and forms required by the
224 Department of Motor Vehicles. Such records, documents and forms
225 shall be produced in written format, upon request by the department,
226 during the licensee's business hours on the same day of such request.
227 Any person who violates any provision of this section shall be deemed
228 to have committed an infraction.

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

232 (a) When the retail buyer is in default in the payment of any sum
233 due under the retail installment contract or installment loan contract,
234 or in the performance of any other condition that such contract
235 requires him to perform, or in the performance of any promise, the
236 breach of which is by such contract expressly made a ground for the
237 retaking of the goods, the holder of the contract may retake possession
238 thereof, provided the filing of a petition in bankruptcy under 11 USC
239 Chapter 7 by a retail buyer of a motor vehicle, or such retail buyer's
240 status as a debtor in bankruptcy, shall not be considered a default of a
241 retail installment contract or ground for repossession of such motor

242 vehicle. Unless the goods can be retaken without breach of the peace, it
243 shall be retaken by legal process, but nothing herein contained shall be
244 construed to authorize a violation of the criminal law. In the case of
245 repossession of any motor vehicle without the knowledge of the retail
246 buyer, the local police department shall be notified of such
247 repossession [immediately thereafter] within two hours. In the absence
248 of a local police department or if the local police department cannot be
249 reached for notification, the state police shall be promptly notified of
250 such repossession.

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

254 (a) The Commissioner of Administrative Services may establish
255 policies and procedures for the maintenance of order on and the use of
256 parking areas on any property owned by the state or under the
257 supervision of said commissioner, except as provided in sections 2-
258 71h, 10a-79, 10a-92 and 10a-139 and except for properties under the
259 supervision, care and control of the Chief Court Administrator. Any
260 person violating any such policy or procedure shall be fined not more
261 than seventy-five dollars and the vehicle in violation of such policy or
262 procedure may be towed, provided there is conspicuous signage
263 giving notice of such towing and indicating where the vehicle will be
264 stored, how the vehicle may be redeemed and any costs or fees that
265 may be charged. The enforcement of any such policy or procedure
266 shall be by special policemen appointed under section 29-18 and by
267 Department of Administrative Services buildings and grounds patrol
268 officers, except that only such special policemen may tow, or cause the
269 towing of, such vehicles.

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

273 (B) (i) Regulate and prohibit, in a manner not inconsistent with the

274 general statutes, traffic, the operation of vehicles on streets and
 275 highways, off-street parking and on-street residential neighborhood
 276 parking areas in which on-street parking is limited to residents of a
 277 given neighborhood, as determined by the municipality;

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	14-145
Sec. 2	<i>October 1, 2015</i>	14-145a
Sec. 3	<i>October 1, 2015</i>	14-145b
Sec. 4	<i>October 1, 2015</i>	14-145c
Sec. 5	<i>October 1, 2015</i>	New section
Sec. 6	<i>October 1, 2015</i>	14-66b
Sec. 7	<i>October 1, 2015</i>	36a-785(a)
Sec. 8	<i>October 1, 2015</i>	4b-13(a)
Sec. 9	<i>October 1, 2015</i>	7-148(c)(7)(B)