

Memo

To: Kirstin L. Breiner, Administrator
Legislative Regulation Review Committee

From: Anne F. Howroyd, Division Manager

Date: June 16, 2015

Re: Substitute Pages—"Procedures for Campground Owners to Acquire Title to Abandoned Motor Homes or Recreational Vehicles" No. 2015-014

In accordance with the rule of the Legislative Regulation Review Committee, the Department of Motor Vehicles is submitting the attached substitute pages for the above-referenced regulation for consideration at its regular meeting on June 23, 2015.

The purpose of the substitute pages is to make substantive changes to the proposed regulations based upon the LCO report received on June 15, 2015. These substantive revisions are as follows:

1. On page 3, the first sentence of section 14-150-13 shall now read: "Not later than ten (10) days after the department provides information pertaining to any recreational vehicle owner and lienholder, the campground owner shall send a written notice to: (1) the recreational vehicle owner and lienholder identified in subsection (b) of section 14-150-12 of the Regulations of Connecticut State Agencies; (2) if different from such recreational vehicle owner, the camper upon whose site the recreational vehicle was abandoned; and (3) to any secured party identified in the records of the Secretary of the State."

This change demonstrates that the notice is for the camper on whose site the abandoned recreational vehicle is located.

2. On page 3, section 14-150-14(d) shall now read "Not later than ten (10) days after receipt of information pursuant to subsections (a),(b) and (c) of this section, the commissioner shall notify the campground owner whether the requirements of subsections (a), (b) and (c) of this section have been met for each recreational vehicle that the campground owner intends to transfer."

This change establishes a time certain when the Commissioner of Motor Vehicles is required to notify campground owners whether the requirements to transfer a recreational vehicle have been met.

In addition, technical changes on pages 3 and 4 are outlined below:

- a. On page 3, in the first line of section 14-150-13, "Within ten (10) days" now reads "Not later than ten (10) days", for clarity and proper form;
- b. On page 3, in the first line of section 14-150-14(a), "After sixty (60) days from the date" now reads "Not sooner than sixty (60) days after the date", for clarity and proper form;
- c. On page 3, in section 14-150-14(a)(4), a comma has been inserted after "number", for proper form;
- d. On page 3, in the last two lines of section 14-150-14(c), "this regulation" now reads "sections 14-150-10 to 14-150-15, inclusive, of the Regulations of Connecticut State Agencies", for accuracy and proper form;
- e. On page 4, in the second line of section 14-150-15(a), "under subsection (c) of" has been changed to "pursuant to", for accuracy;
- f. On page 4, in the second to last line of section 14-150-15(b), "of" has been inserted after "period", for proper form;
- g. On page 4, in the third line of section 14-150-15(c) and the fifth line in section 14-150-15(e) "different than" now reads "different from" for proper form and consistency;
- h. On page 4, in the fifth and sixth lines of section 14-150-15(e), "Proof of publication documents from the" has been changed to "Copies of advertisements or notices from any", for clarity; and
- i. On page 4, in the second to last line of section 14-150-15(e), "recreational vehicle owner and the lienholder" now reads "recreational vehicle owner, lienholder, secured party and the camper, if different from the vehicle owner", for consistency with the requirements in subsection (c) of said section.

Please note that the remaining page of this proposal does not contain any substitutions, but is included because the changes outlined altered the page break of page 5.

Thank you.

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:

Procedures for Campground Owners to Acquire Title to Abandoned Motor Homes or Recreational Vehicles

The Regulations of Connecticut State Agencies is amended by adding sections 14-150-10 through 14-150-15, inclusive, as follows:

(NEW) Section 14-150-10. Definitions.

As used in Sections 14-150-10 through 14-150-15, inclusive, the following words and phrases shall have the following meanings:

- (1) "Abandon" means to leave at a campground, without the consent of the campground owner, any recreational vehicle for a period of not less than thirty (30) days after a) the expiration of a campground agreement; or b) the failure to pay rental fees in accordance with the terms of any campground agreement in effect;
- (2) "Camper" means a person, or the lessee, successor or assignee of a person, entitled to the use of a site at a campground under a campground agreement, to the exclusion of others;
- (3) "Campground" means a recreational place or site where an individual or groups of people are lodged temporarily;
- (4) "Campground agreement" means any written agreement or lease that establishes or modifies the terms, conditions, rules or any other provisions concerning the use and occupancy of a site at a campground;
- (5) "Campground owner" means the owner or operator of a campground, such owner's agent, or any other person authorized by such owner to manage the campground or to receive rent from a camper under a rental agreement;
- (6) "Commissioner" means the Commissioner of Motor Vehicles;
- (7) "Department" means the Department of Motor Vehicles;
- (8) "Lienholder" means a person recorded in the title records of the department as holding a security interest in a recreational vehicle;
- (9) "Recreational vehicle" means a vehicle as defined in section 14-1 of the Connecticut General Statutes;

- (10) "Recreational vehicle owner" means the person or persons named on a recreational vehicle certificate of title and any registration documents;
- (11) "Secured party" means a person with a security interest duly recorded with the Secretary of the State; and
- (12) "VIN" means the vehicle identification number of a recreational vehicle.

(NEW) Sec. 14-150-11. Registration of campground.

In order to dispose of any recreational vehicle abandoned at a campground, the owner shall comply with all procedures set forth in sections 14-150-10 to 14-150-15, inclusive, of the Regulations of Connecticut State Agencies. Prior to the sale or other disposition of a recreational vehicle under sections 14-150-10 to 14-150-15, inclusive, of the Regulations of Connecticut State Agencies, the campground owner shall be required to register its business with the commissioner by submitting such information pertaining to the campground as the commissioner requires including, but not limited to, a copy of the campground agreement used by the campground owner for the use and occupancy of a site or sites at the campground. Such information shall be provided on a form approved by the commissioner and shall be kept in the records of the department. The campground owner shall notify the commissioner within ten (10) days of any change in the information submitted to the department under this section. Upon successfully registering with the department, the owner shall be assigned an identifying number.

(NEW) Sec. 14-150-12. Preliminary requirements. Sale or other disposition of an abandoned recreational vehicle.

(a) Upon registering with the commissioner and prior to disposing of an abandoned recreational vehicle in accordance with sections 14-150-10 to 14-150-15, inclusive, of the Regulations of Connecticut State Agencies, the campground owner shall contact the Title Division of the department, in writing, for the purpose of determining the name and address of such recreational vehicle owner, and the name and address of any lienholder that are reflected in the records of the department. When contacting the department, the campground owner shall be required to provide, in writing:

- (1) The campground owner's identifying number as designated by the department;
- (2) The make and model of each abandoned recreational vehicle and the VIN that appears on such vehicle; and
- (3) If number plates are on or in an abandoned recreational vehicle, any registration number that appears on such number plates or any registration number that appears on a registration certificate if such certificate is available to the campground owner.

(b) When the campground owner provides the department with the information specified in subsection (a) of this section, the department shall provide the name and address of each recreational vehicle owner and lienholder reflected in its records for each recreational vehicle for which a VIN is provided by the campground owner. If the department has no recreational vehicle owner or lienholder information on file for any recreational vehicle for which the campground owner has provided a VIN, such recreational vehicle shall not be disposed of under the procedures specified in sections 14-150-10 to 14-150-15 of the Regulations of Connecticut State Agencies.

(c) Prior to disposing of an abandoned recreational vehicle in accordance with sections 14-150-10 to 14-150-15, inclusive, of the Regulations of Connecticut State Agencies, the campground owner shall conduct a search of the records of the Secretary of the State to determine the identity of any secured party to the abandoned recreational vehicle.

(NEW) Sec. 14-150-13. Notice to camper, recreational vehicle owner, lienholder and secured party.

Not later than ten (10) days after the department provides information pertaining to any recreational vehicle owner and lienholder, the campground owner shall send a written notice to: (1) the recreational vehicle owner and lienholder identified in subsection (b) of section 14-150-12 of the Regulations of Connecticut State Agencies; (2) if different from such recreational vehicle owner, the camper upon whose site the recreational vehicle was abandoned; and (3) any secured party identified in the records of the Secretary of the State. The notice shall contain the campground owner's contact information, shall be sent by certified mail, return receipt requested, and shall contain the following:

- (1) The make, model, year and VIN of the recreational vehicle;
- (2) The date of abandonment by the camper;
- (3) The name of each camper identified in the campground agreement;
- (4) The amount, if any, the camper or recreational vehicle owner owes to the campground owner under a campground agreement and the date by which the camper or recreational vehicle owner must claim the recreational vehicle and pay the amount owed, if any; and
- (5) A statement that the campground owner intends to dispose of the recreational vehicle in accordance with the requirements of sections 14-150-14 and 14-150-15 of the Regulations of Connecticut State Agencies if such vehicle is not claimed by the date specified.

(NEW) 14-150-14. Filing notice of intent to transfer title with the commissioner.

(a) Not sooner than sixty (60) days after the date of abandonment by the camper, the campground owner shall file with the department, on a form approved by the commissioner, a notice of intent to transfer title for each recreational vehicle which the campground owner claims has been abandoned and for which the campground owner has sent the notice required in section 14-150-13 of the Regulations of Connecticut State Agencies. The notice of intent to transfer shall contain the following:

- (1) The make, model, year and VIN of such recreational vehicle;
- (2) The date such recreational vehicle arrived at the campground as evidenced by any campground agreement;
- (3) The date of abandonment by the camper;
- (4) The registration number, if any number plates are on or displayed in the recreational vehicle; and
- (5) The name of the recreational vehicle owner and, if different from such vehicle owner, the name of the camper who has abandoned such recreational vehicle.

(b) Each notice of intent to transfer shall be accompanied by the abandoning camper's signed campground agreement and such other documents as the commissioner may require, including the notice or notices to the camper, lienholder, secured party and the recreational vehicle owner if such recreational vehicle owner is not the camper, sent in accordance with section 14-150-13 of the Regulations of Connecticut State Agencies. A fee of five dollars (\$5.00) shall be payable to the department for each notice of intent to transfer that the campground owner files.

(c) Each recreational vehicle for which the department receives a notice of intent to transfer under subsection (a) of this section shall be subject to such checks of its VIN as the commissioner may require. If any check of the VIN reveals that a recreational vehicle that is subject to transfer has been reported as stolen, the commissioner shall immediately notify the campground owner, and the campground owner shall not dispose of the recreational vehicle under the procedures set forth in sections 14-150-10 to 14-150-15, inclusive, of the Regulations of Connecticut State Agencies.

(d) Not later than ten (10) days after receipt of information pursuant to subsections (a),(b) and (c) of this section, the commissioner shall notify the campground owner whether the requirements of subsections (a), (b) and (c) of this section have been met for each recreational vehicle that the

campground owner intends to transfer. Notice from the department that the campground owner has not met the requirements in such subsections for any recreational vehicle shall result in the department's refusal to issue title in the event of a transfer of such recreational vehicle.

(NEW) Section 14-150-15. Sale or other disposition of recreational vehicles.

(a) In order to remove from the campground an abandoned recreational vehicle that has been approved for transfer of title pursuant to section 14-150-14 of the Regulations of Connecticut State Agencies, the campground owner may sell such recreational vehicle at a public sale or dispose of such vehicle by any other legal means. The campground owner shall allocate the proceeds in the following order: (1) to pay the expenses of such sale or other disposition; (2) to satisfy any lien or liens that are recorded on the title records of the department; (3) to satisfy the amount claimed under a security interest duly recorded with the Secretary of the State and (4) to pay any amounts owed to the campground owner under the campground agreement for the site occupied by the abandoned recreational vehicle.

(b) For each recreational vehicle that is to be sold or disposed of under subsection (a) of this section, the campground owner shall publish an advertisement or notice of the date, time and place of the public sale or other disposition of such recreational vehicle in a newspaper of substantial circulation in or near the municipality where the campground is located. Such advertisement or notice shall be published at least twice within a period of not less than ten (10) days preceding the date of such sale or other disposition. The notice or advertisement shall include:

(1) A description of the abandoned recreational vehicle;

(2) The name of the camper, the address of the campground and the name or number, if any, of the site where the recreational vehicle is located; and

(3) The date, time, place and manner of the sale or other disposition.

(c) The campground owner shall send a copy of the advertisement or notice of sale or other disposition described in subsection (b) of this section to the recreational vehicle owner, lienholder, secured party and the camper, if different from the vehicle owner, at their addresses of record, by certified mail, return receipt requested.

(d) At any time prior to the sale or other disposition of a recreational vehicle that has been deemed abandoned, the lienholder, recreational vehicle owner, or camper who has written authorization from the recreational vehicle owner may remove the recreational vehicle from the campground owner's property after payment to the campground owner of all fees associated with preparing the recreational vehicle for sale as set forth in sections 14-150-13 to 14-150-15, inclusive, of the Regulations of Connecticut State Agencies, and any fees that are owed to the campground owner under a campground agreement.

(e) The campground owner shall provide to the purchaser or person taking possession of a recreational vehicle sold or disposed of under this section proof that notice of the sale or other disposition was published in accordance with subsection (b) of this section and that notice of the sale or other disposition was sent to the recreational vehicle owner, the lienholder, secured party and the camper, if different from the vehicle owner, in accordance with subsection (c) of this section. Copies of advertisements or notices from any newspaper in which the advertisements or notices were published shall satisfy the requirements for subsection (b) of this section, and copies of notices and certified mail receipts to the recreational vehicle owner, lienholder, secured party and the camper, if different from the vehicle owner shall satisfy the requirements of subsection (c) of this section.

(f) The campground owner shall provide the purchaser of a recreational vehicle sold under this section with a bill of sale.

(g) The campground owner shall provide the purchaser or person taking possession of a recreational vehicle sold or disposed of under this section with an affidavit, on a form approved by the commissioner, in which the campground owner provides such information as the commissioner may

require regarding the sale or other disposition of the vehicle, and attests that the campground owner has allocated the proceeds in accordance with subsection (a) of this section.

(h) If any proceeds remain from the sale of an abandoned recreational vehicle after the distribution specified in subsection (a) of this section, such remaining proceeds shall be returned to the recreational vehicle owner or, if no owner is known, shall escheat to the state.

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.

This regulation provides for the disposal of a motor home or recreational vehicle that has been abandoned on a campground owner's property in violation of any campground agreement and establishes procedures governing such disposal of an abandoned recreational vehicle.

The procedures set forth in the proposal apply to those abandoned recreational vehicles that have been recorded in the title and registration records of the department. The agency checks its own records but cannot verify out-of-state vehicle ownership. The authority to promulgate this regulation is found in Section 14-150 of the Connecticut General Statutes as a result of the passage of Public Act 2013-271.

The procedures established in this regulation are similar to those governing a motor vehicle abandoned at a self-service storage facility, and includes proper notices before such disposal to the recreational vehicle owner of record and lienholder, if any.

CERTIFICATION

This certification statement must be completed in full.

I hereby certify that the above Regulation(s)

- 1) is/are (check all that apply) **adopted** **amended** **repealed** by this agency pursuant to the following authority(ies): (complete all that apply)
- a. **Connecticut General Statutes section(s) 14-150.**
- b. **Public Act Number(s) _____.**
(Provide public act number(s) if the authorizing act has not yet been codified in the Connecticut General Statutes.)

And I further certify

- 2) that **Notice of Intent** to adopt, amend or repeal said regulation(s) was electronically submitted to the Secretary of the State on December 31, 2014, and posted to the Secretary's regulations website on January 5, 2015; *(Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)*
- 3) and that a public hearing regarding the proposed regulation(s) was held on _____ **or** that no public hearing was held; *(Insert date(s) of mandatory public hearing(s) held pursuant to CGS 4-168(a), as amended, or other applicable statute, and/or voluntary hearing, or if no hearing was held, check the box for that statement.)*
- 4) and that notice of **Decision to Take Action** on said regulations was electronically submitted to the Secretary of the State on February 26, 2015, and posted to the Secretary's regulations website on February 26, 2015; *(Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)*
- 5) and that said regulation(s) is/are **EFFECTIVE** (check one, and complete as applicable)
- When posted online by the Secretary of the State.
- OR** on (insert date) _____.

6) SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED Commissioner of Motor Vehicles	DATE
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APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended.

DATE	SIGNED (Attorney General or AG's designated representative)	OFFICIAL TITLE, DULY AUTHORIZED
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*Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the Attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.*

(For Regulation Review Committee Use ONLY)

- APPROVED in WHOLE **or** WITH technical corrections deletions substitute pages
- DEEMED APPROVED, pursuant CGS 4-170(c), as amended.
- Rejected without Prejudice Disapproved, pursuant to CGS 4-170(c), as amended.

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED (Administrator, Legislative Regulation Review Committee)
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In accordance with CGS Section 4-172, as amended by PA 13-247 and PA 13-274, one certified paper copy and one electronic copy with agency head certification statement received on the date(s) specified below.

DATE	SIGNED (Secretary of the State)	BY
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(For Secretary of the State Use ONLY)

Date Posted to SOTS Regulations Website:

Date Electronic Copy Forwarded to the Commission on Official Legal Publications:

SOTS file stamp:

GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Section 4-168, as amended by PA 13-247, section 28, and PA 13-274, and CGS Section 4-170.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in [brackets]. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The *Certification Statement* portion of this form must be completed, including all applicable information regarding notice submission and website posting date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/>.
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf.

CERTIFICATION STATEMENT INSTRUCTIONS

(Numbers below correspond to the numbered sections of the Certification Statement page)

1. a) Indicate whether the regulation contains newly adopted sections, amendments to existing sections, and/or repeals of existing sections. **Check all cases that apply.**
b) Indicate the specific legal authority that permits or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
2. An agency must electronically submit notice of its intent to adopt the regulation to the Secretary of the State at regulations.sots@ct.gov for posting on the Secretary's regulations website. Enter both the date notice of intent was submitted to the Secretary of the State *and* the date the notice was posted on the Secretary's website. For emergency regulations, use Form Regs-1-E instead of this form. For non-substantive technical amendments and repeals adopted without prior notice or hearing as permitted by subsection (g) of CGS 4-168, use Form REGS-1-T instead of this form.
3. CGS 4-168(a), as amended by PA 13-247 and PA 13-274, prescribes requirements for holding a public hearing on proposed regulations. Enter the date(s) of all hearing(s) held under that section, if any, also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law; and enter the date(s) of any public hearing(s) the agency elected to hold voluntarily. If no public hearing was held, mark (X) the check box.
4. **NEW REQUIREMENT:** CGS 4-168(d), as amended by PA 13-247 and PA 13-274, prescribes requirements electronically submitting notice of decision to take action (proceed with adoption) of a proposed regulation for posting to the Secretary's regulations webpage. Enter both the date notice of decision was submitted to the Secretary of the State *and* the date the notice was posted on the Secretary's website.
5. As applicable, enter the specific effective date of the regulation; or indicate that it is effective upon posting online by the Secretary of the State. **Please note the important information below.**
Permanent regulations adopted after July 1, 2013 are effective upon posting online by the Secretary of the State (SOTS), or at a *later* date specified by the agency, or at a *later* date if required by statute. See CGS 4-172(b). An effective date may not precede the date of posting online by SOTS, and it may not precede the effective date of the public act requiring or permitting the regulation.
6. Submit the original proposed regulation to your agency commissioner for signature.