



House of Representatives

File No. 670

General Assembly

February Session, 2022 **(Reprint of File No. 175)**

Substitute House Bill No. 5148
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 27, 2022

***AN ACT CONCERNING SELF-SERVICE STORAGE FACILITIES AND
REVISIONS TO CERTAIN STATUTES CONCERNING CONSUMER
PROTECTION.***

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

1 Section 1. Section 42-159 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2022*):

3 As used in this chapter:

4 (1) "Default" means failure to perform any obligation or duty
5 imposed by a rental agreement or by this chapter.

6 (2) "Last-known address" means a postal or electronic address
7 provided by the occupant in the latest rental agreement or a postal or
8 electronic address provided by the occupant in a subsequent written
9 notice of a change of address.

10 (3) "Occupant" means a person, or the sublessee, successor or

11 assignee of a person, entitled to the use of a storage unit at a self-service
12 storage facility under a rental agreement, to the exclusion of others.

13 (4) "Owner" means the owner, operator, lessor or sublessor of a self-
14 service storage facility, an agent of such owner, operator, lessor or
15 sublessor or any other person authorized by such owner, operator,
16 lessor or sublessor to manage the facility or receive rent from an
17 occupant under a rental agreement.

18 (5) "Personal property" means movable property not affixed to land
19 and includes, but is not limited to, goods, merchandise, household items
20 and motor vehicles.

21 (6) "Rental agreement" means any written agreement or lease that
22 establishes or modifies the terms, conditions, rules or any other
23 provisions concerning the use and occupancy of a unit in a self-service
24 storage facility.

25 [(1)] (7) "Self-service storage facility" means any real property
26 designed and used for the renting or leasing of individual self-contained
27 units of storage space to occupants who are to have access to such units
28 for storing and removing personal property only, and not for residential
29 purposes. A self-service storage facility and an owner are not a
30 warehouse, as defined in section 42a-7-102, except that if an owner
31 issues a document of title, as defined in section 42a-1-201, for the
32 personal property stored, the owner and the occupant are subject to the
33 provisions of article 7 of the Uniform Commercial Code and the
34 provisions of this chapter do not apply.

35 [(2) "Owner" means the owner, operator, lessor, or sublessor of a self-
36 service storage facility, his or her agent, or any other person authorized
37 by him or her to manage the facility or to receive rent from an occupant
38 under a rental agreement.

39 (3) "Occupant" means a person, or the sublessee, successor, or
40 assignee of a person, entitled to the use of a storage unit at a self-service
41 storage facility under a rental agreement, to the exclusion of others.

42 (4) "Rental agreement" means any written agreement or lease that
43 establishes or modifies the terms, conditions, rules or any other
44 provisions concerning the use and occupancy of a unit in a self-service
45 storage facility.

46 (5) "Personal property" means movable property not affixed to land
47 and includes, but is not limited to, goods, merchandise, household items
48 and motor vehicles.

49 (6) "Last-known address" means a postal or electronic address
50 provided by the occupant in the latest rental agreement or a postal or
51 electronic address provided by the occupant in a subsequent written
52 notice of a change of address.

53 (7) "Default" means failure to perform any obligation or duty
54 imposed by a rental agreement or by this chapter.]

55 Sec. 2. Section 42-160 of the general statutes is repealed and the
56 following is substituted in lieu thereof (*Effective July 1, 2022*):

57 (a) The owner of a self-service storage facility shall have a lien upon
58 all personal property located at such facility for (1) the amounts of any
59 rent, labor or other valid charges incurred in relation to such personal
60 property, [for] (2) any valid expenses incurred in the necessary
61 preservation of such personal property, and [for] (3) any expenses
62 reasonably incurred in the sale or other disposition of such personal
63 property pursuant to law. Such lien attaches on the date of default by
64 the occupant. Notwithstanding the provisions of section 42a-9-333, such
65 lien shall not have priority over a lien or security interest which has
66 attached or been perfected prior to such default.

67 (b) If such personal property is a motor vehicle, the owner of a self-
68 service storage facility shall contact the Department of Motor Vehicles
69 in such manner as the commissioner shall prescribe for the purposes of
70 determining the existence and identity of any lienholder and the name
71 and address of the owner of the motor vehicle, as shown in the records
72 of the department. The owner of a self-storage facility shall send a

73 written notice to the Commissioner of Motor Vehicles stating (1) the
74 vehicle identification number of such motor vehicle, (2) the date such
75 motor vehicle was left with the owner of such storage facility, (3) the
76 date of default by the occupant, (4) the amount for which a lien is
77 claimed, (5) the registration thereof if any number plates are on the
78 motor vehicle, and (6) the name of the vehicle's owner and the name of
79 the occupant who defaulted, and shall enclose a fee of ten dollars. Such
80 notice shall be placed on file by the Commissioner of Motor Vehicles
81 and be open to public inspection. Within ten days of receipt of such
82 information concerning any lienholder and the owner of such motor
83 vehicle, as shown in said department's records, the owner of such self-
84 service storage facility shall send a written notice to any such lienholder
85 and to the owner, if such owner is not the occupant, by postage paid
86 registered or certified letter, return receipt requested, stating that such
87 motor vehicle (A) is being held by such facility owner, and (B) has a lien
88 attached pursuant to this chapter. Any sale of a motor vehicle under the
89 provisions of this section shall be void unless the written notice to the
90 commissioner required by this subsection has been given.

91 (c) The Commissioner of Motor Vehicles shall adopt regulations, in
92 accordance with the provisions of chapter 54, [(1)] to (1) specify the
93 circumstances under which title to any motor vehicle abandoned at a
94 self-storage facility may be transferred, and (2) [to] establish a procedure
95 whereby the owner of a self-storage facility may obtain title to such
96 motor vehicle.

97 (d) If such personal property is a vessel, the owner of a self-service
98 storage facility shall follow the requirements of sections 49-55 to 49-59,
99 inclusive.

100 (e) If such personal property is a motor vehicle, vessel or trailer, and
101 any rent, labor or other valid charges incurred in relation to such
102 personal property remains unpaid or unsatisfied for at least sixty days,
103 the owner of a self-service storage facility may have such personal
104 property towed from the self-service storage facility by an insured
105 tower. Any owner that complies with the provisions of this subsection

106 need not comply with the provisions of subsections (b) to (d), inclusive,
107 of this section.

108 Sec. 3. Subsection (b) of section 42-161 of the general statutes is
109 repealed and the following is substituted in lieu thereof (*Effective July 1,*
110 *2022*):

111 (b) The owner shall notify the occupant and any person who has filed
112 in such occupant's name a valid security interest in such property with
113 the Secretary of the State of [his or her] such owner's intention to satisfy
114 the lien with a written notice which shall be delivered in person or sent
115 by electronic mail or by registered or certified mail, [return receipt
116 requested] with a unique tracking number assigned by the United States
117 Postal Service, to the last-known address of the occupant. If the owner
118 sends notice by electronic mail to the occupant, a statement shall be
119 included in such electronic mail, indicating that opening of such
120 electronic mail is acceptance of such notice by the occupant pursuant to
121 this section.

122 Sec. 4. Section 42-163 of the general statutes is repealed and the
123 following is substituted in lieu thereof (*Effective July 1, 2022*):

124 Any sale or other disposition of the personal property of the occupant
125 shall conform to the terms of the notice as provided in section 42-162, as
126 amended by this act, and shall be held (1) at the self-service storage
127 facility, [or] (2) at the nearest suitable place convenient to where such
128 personal property is stored or held, or (3) online.

129 Sec. 5. Section 42-164 of the general statutes is repealed and the
130 following is substituted in lieu thereof (*Effective July 1, 2022*):

131 (a) After the expiration of the time given in the notice for the occupant
132 to pay the amount due, if the owner wishes, [he] the owner may [place
133 an advertisement of] advertise the sale or other disposition of the
134 personal property in [a] any print or online newspaper of [substantial]
135 general circulation in the municipality where the self-service storage
136 facility is located or on any publicly accessible, independent Internet

137 web site that regularly conducts online auctions of personal property.
138 Such advertisement shall be published at least [twice] once within a
139 period not less than ten days preceding the date of such sale or other
140 disposition. The advertisement shall include: (1) A description of the
141 personal property subject to the lien according to the requirements of
142 section 42-162, as amended by this act; (2) the name of the occupant, the
143 address of the self-service storage facility, the unit number, if any, of the
144 storage space where the personal property is located; and (3) the time,
145 place and manner of the sale or other disposition.

146 (b) Such sale or other disposition of the personal property shall not
147 take place sooner than ten days after [the first] publication of the
148 advertisement nor sixty days after the date of default.

149 [(c) If there is no newspaper of substantial circulation in the
150 municipality in which the self-service storage facility is located, the
151 advertisement shall be posted at least ten days before the date of the sale
152 or other disposition of the personal property in not less than six
153 conspicuous places in the neighborhood where the self-service storage
154 facility is located.]

155 [(d)] (c) The proceeds of a sale under this section shall be allocated to
156 pay the expenses of such sale, then to the holder of any lien or security
157 interest having priority over that of such owner, then to the owner.

158 Sec. 6. Subsection (g) of section 20-432 of the 2022 supplement to the
159 general statutes, as amended by section 8 of public act 21-197, is
160 repealed and the following is substituted in lieu thereof (*Effective July 1,*
161 *2022*):

162 (g) Before the commissioner may issue any order directing payment
163 out of the guaranty fund to an owner pursuant to [subsections]
164 subsection (e) or (f) of this section, the commissioner shall first notify the
165 contractor of the owner's application for an order directing payment out
166 of the guaranty fund and of the contractor's right to a hearing to contest
167 the disbursement in the event that the contractor has already paid the
168 owner or is complying with a payment schedule in accordance with a

169 court judgment, order or decree. Such notice shall be given to the
170 contractor not later than fifteen days after receipt by the commissioner
171 of the owner's application for an order directing payment out of the
172 guaranty fund. If the contractor requests a hearing, in writing, by
173 certified mail not later than fifteen days after receiving the notice from
174 the commissioner, the commissioner shall grant such request and shall
175 conduct a hearing in accordance with the provisions of chapter 54. If the
176 commissioner does not receive a request by certified mail from the
177 contractor for a hearing not later than fifteen days after the contractor's
178 receipt of such notice, the commissioner shall determine that the owner
179 has not been paid, and the commissioner shall issue an order directing
180 payment out of the guaranty fund for the amount unpaid upon the
181 judgment, order or decree for actual damages and costs taxed by the
182 court against the contractor, exclusive of punitive damages, or for the
183 amount unpaid upon the order of restitution.

184 Sec. 7. Subsection (b) of section 20-691 of the 2022 supplement to the
185 general statutes is repealed and the following is substituted in lieu
186 thereof (*Effective October 1, 2022*):

187 (b) (1) A person seeking registration as a locksmith shall apply to the
188 commissioner on a form provided by the commissioner. The application
189 shall include the applicant's name, residence address, business address,
190 business telephone number, a question as to whether the applicant has
191 been convicted of a felony in any state or jurisdiction, and such other
192 information as the commissioner may require. The applicant shall
193 submit to a request by the commissioner for a state and national criminal
194 history records check conducted in accordance with the provisions of
195 section 29-17a. No registration shall be issued unless the commissioner
196 has received the results of [a] such records check. In accordance with the
197 provisions of section 46a-80 and after a hearing held pursuant to chapter
198 54, the commissioner may revoke, refuse to issue or refuse to renew a
199 registration when an applicant's criminal history records check reveals
200 the applicant has been convicted of a crime of dishonesty, fraud, theft,
201 assault, other violent offense or a crime related to the performance of
202 locksmithing.

203 (2) The application fee for registration as a locksmith and the biennial
204 renewal fee for such registration shall be two hundred dollars.

205 (3) The department shall establish and maintain a registry of
206 locksmiths. The registry shall contain the names and addresses of
207 registered locksmiths and such other information as the commissioner
208 may require. Such registry shall be updated at least annually by the
209 department, be made available to the public upon request and be
210 published on the department's Internet web site.

211 (4) No person shall engage in locksmithing, use the title locksmith or
212 display or use any words, letters, figures, title, advertisement or other
213 method to indicate said person is a locksmith unless such person has
214 obtained a registration as provided in this section.

215 (5) The following persons shall be exempt from registration as a
216 locksmith, but only if the person performing the service does not hold
217 himself or herself out to the public as a locksmith: (A) Persons employed
218 by a state, municipality or other political subdivision, or by any agency
219 or department of the government of the United States, acting in their
220 official capacity; (B) automobile service dealers who service, install,
221 repair or rebuild automobile locks; (C) retail merchants selling locks or
222 similar security accessories or installing, programming, repairing,
223 maintaining, reprogramming, rebuilding or servicing electronic garage
224 door devices; (D) members of the building trades who install or remove
225 complete locks or locking devices in the course of residential or
226 commercial new construction or remodeling; (E) employees of towing
227 services [] or reposseors, or [an] employees or representatives of
228 automobile [club representative or employee opening] clubs, who open
229 automotive locks in the normal course of [his or her] their business. The
230 provisions of this section shall not prohibit an employee of a towing
231 service from opening motor vehicles to enable a vehicle to be moved
232 without towing, provided the towing service does not hold itself out to
233 the public, by directory advertisement, through a sign at the facilities of
234 the towing service or by any other form of advertisement, as a
235 locksmith; (F) students in a course of study in locksmith programs

236 approved by the department; (G) warranty services by a lock
237 manufacturer or its employees on the manufacturer's own products; (H)
238 maintenance employees of a property owner or property management
239 companies at multifamily residential buildings, who service, install,
240 repair or open locks for tenants; (I) persons employed as security
241 personnel at schools or institutions of higher education who open locks
242 while acting in the course of their employment; and (J) persons who
243 service, install or repair electronic locks, access control devices or other
244 similar locking devices that connect to an electronic security system,
245 provided such persons maintain an electrical contractor or
246 journeyman licensed to perform such work as required pursuant to
247 chapter 393.

248 Sec. 8. Subsection (d) of section 21-71 of the 2022 supplement to the
249 general statutes is repealed and the following is substituted in lieu
250 thereof (*Effective October 1, 2022*):

251 (d) The department may issue an order to any owner determined to
252 be in violation of any provision of this chapter or any regulation issued
253 under this section after an inspection of a mobile manufactured home
254 park, providing for the immediate discontinuance of the violation or
255 timely remediation of such violation. Any owner of a mobile
256 manufactured home park who fails to comply with any orders
257 contained in a notice of violation resulting from a reinspection of such
258 park not later than thirty days after [of] issuance of such notice,
259 including confirmation of active licensure, shall be fined five hundred
260 dollars per violation and shall follow the procedures specified in section
261 51-164n.

262 Sec. 9. Subdivision (21) of section 21a-420 of the 2022 supplement to
263 the general statutes is repealed and the following is substituted in lieu
264 thereof (*Effective October 1, 2022*):

265 (21) "Equity" and "equitable" means efforts, regulations, policies,
266 programs, standards, processes and any other functions of government
267 or principles of law and governance intended to: (A) Identify and

268 remedy past and present patterns of discrimination and disparities of
269 race, ethnicity, gender and sexual orientation; (B) ensure that such
270 patterns of discrimination and disparities, whether intentional or
271 unintentional, are neither reinforced nor perpetuated; and (C) prevent
272 the emergence and persistence of foreseeable future patterns of
273 discrimination or disparities of race, ethnicity, gender [,] and sexual
274 orientation;

275 Sec. 10. Subsection (e) of section 21a-420z of the 2022 supplement to
276 the general statutes is repealed and the following is substituted in lieu
277 thereof (*Effective October 1, 2022*):

278 (e) The commissioner shall adopt regulations, in accordance with
279 chapter 54, to implement the provisions of RERACA. Notwithstanding
280 the requirements of sections 4-168 to 4-172, inclusive, in order to
281 effectuate the purposes of RERACA and protect public health and
282 safety, prior to adopting such regulations the commissioner shall issue
283 policies and procedures to implement the provisions of this section that
284 shall have the force and effect of law. The commissioner shall post all
285 policies and procedures on the department's Internet web site, and
286 submit such policies and procedures to the Secretary of the State for
287 posting on the eRegulations System, at least fifteen days prior to the
288 effective date of any policy or procedure. Any such policy or procedure
289 shall no longer be effective upon the earlier of either adoption of such
290 policy or procedure as a final regulation under section 4-172 or forty-
291 eight months from July 1, 2021, if such final regulations have not been
292 submitted to the legislative regulation review committee for
293 consideration under section 4-170. The commissioner shall issue policies
294 and procedures, and thereafter adopt final regulations, requiring that:
295 (1) The delivery service and transporter meet certain security
296 requirements related to the storage, handling and transport of cannabis,
297 the vehicles employed, the conduct of employees and agents, and the
298 documentation that shall be maintained by the delivery service,
299 transporter and its drivers; (2) a delivery service that delivers cannabis
300 to consumers maintain an online interface that verifies the age of
301 consumers ordering cannabis for delivery and meets certain

302 specifications and data security standards; and (3) a delivery service that
303 delivers cannabis to consumers, qualifying patients or caregivers, and
304 all employees and agents of such licensee, to verify the identity of the
305 qualifying patient, caregiver or consumer and the age of the consumer
306 upon delivery of cannabis to the end consumer, qualifying patient [.] or
307 caregiver, in a manner acceptable to the commissioner. The individual
308 placing the cannabis order shall be the individual accepting delivery of
309 the cannabis except, in the case of a qualifying patient, the individual
310 accepting the delivery may be the caregiver of such qualifying patient.

311 Sec. 11. Subsection (b) of section 29-143b of the 2022 supplement to
312 the general statutes is repealed and the following is substituted in lieu
313 thereof (*Effective October 1, 2022*):

314 (b) Nothing in section 29-133 or 29-136 shall be construed to preclude
315 the hiring of certified lifeguards under the age of eighteen to oversee
316 aquatic rides and devices such as pools, water slides, lazy rivers [.] or
317 interactive aquatic play devices, provided an adult of at least eighteen
318 years of age who is trained in normal operating and emergency
319 procedures supervises the area containing such aquatic rides or devices.

320 Sec. 12. Subsection (a) of section 30-37f of the 2022 supplement to the
321 general statutes is repealed and the following is substituted in lieu
322 thereof (*Effective October 1, 2022*):

323 (a) Notwithstanding the provisions of any general statute or
324 regulation to the contrary, (1) the state of Connecticut, as owner or lessor
325 of premises at Bradley International Airport, shall be permitted to enter
326 into an arrangement with any concessionaire or lessee holding a permit
327 or permits at Bradley International Airport, and receive payments from
328 such concessionaire or lessee, without regard to the level or percentage
329 of gross receipts from the gross sales of alcoholic liquor by such
330 concessionaire or lessee; (2) any person may be a permittee for more
331 than one cafe permit issued pursuant to subsection (d) of section 30-22a;
332 and (3) any area subject to a permit in Bradley International Airport that
333 is contiguous to or within any concourse area shall not be required to

334 provide a single point of egress or ingress or to effectively separate the
335 bar area or any dining area from the concourse area by means of
336 partitions, fences [,] or doors, provided that a permittee of such area may
337 be required by the Department of Consumer Protection to provide a
338 barrier to separate the back bar area from the concourse area to prevent
339 public access to the portion of the back bar area from which liquor is
340 dispensed, if physically practicable.

341 Sec. 13. Subsection (b) of section 30-48 of the 2022 supplement to the
342 general statutes is repealed and the following is substituted in lieu
343 thereof (*Effective October 1, 2022*):

344 (b) No permittee or backer thereof and no employee or agent of such
345 permittee or backer shall borrow money or receive credit in any form
346 for a period in excess of thirty days, directly or indirectly, from any
347 manufacturer permittee, or backer thereof, or from any wholesaler
348 permittee, or backer thereof, of alcoholic liquor or from any member of
349 the family of such manufacturer permittee or backer thereof or from any
350 stockholder in a corporation manufacturing or wholesaling such liquor,
351 and no manufacturer permittee or backer thereof or wholesaler
352 permittee or backer thereof or member of the family of either of such
353 permittees or of any such backer, and no stockholder of a corporation
354 manufacturing or wholesaling such liquor shall lend money or
355 otherwise extend credit, directly or indirectly, to any such permittee or
356 backer thereof or to the employee or agent of any such permittee or
357 backer. A wholesaler permittee or backer, or a manufacturer permittee
358 or backer, that has not received payment in full from a retailer permittee
359 or backer within thirty days after the date such credit was extended to
360 such retailer or backer or to an employee or agent of any such retailer or
361 backer, shall give a written notice of obligation to such retailer within
362 the five days following the expiration of the thirty-day period of credit.
363 The notice of obligation shall state: The amount due; the date credit was
364 extended; the date the thirty-day period ended; [,] and that the retailer
365 is in violation of this section. A retailer who disputes the accuracy of the
366 "notice of obligation" shall, within the ten days following the expiration
367 of the thirty-day period of credit, give a written response to notice of

368 obligation to the department and give a copy to the wholesaler or
369 manufacturer who sent the notice. The response shall state the retailer's
370 basis for dispute and the amount, if any, admitted to be owed for more
371 than thirty days; the copy forwarded to the wholesaler or manufacturer
372 shall be accompanied by the amount admitted to be due, if any, and
373 such payment shall be made and received without prejudice to the
374 rights of either party in any civil action. Upon receipt of the retailer's
375 response, the chairman of the commission or such chairman's designee
376 shall conduct an informal hearing with the parties being given equal
377 opportunity to appear and be heard. If the chairman or such chairman's
378 designee determines that the notice of obligation is accurate, the
379 department shall forthwith issue an order directing the wholesaler or
380 manufacturer to promptly give all manufacturers and wholesalers
381 engaged in the business of selling alcoholic liquor to retailers in this
382 state, a "notice of delinquency". The notice of delinquency shall identify
383 the delinquent retailer, and state the amount due and the date of the
384 expiration of the thirty-day credit period. No wholesaler or
385 manufacturer receiving a notice of delinquency shall extend credit by
386 the sale of alcoholic liquor or otherwise to such delinquent retailer until
387 after the manufacturer or wholesaler has received a "notice of
388 satisfaction" from the sender of the notice of delinquency. If the
389 chairman or such chairman's designee determines that the notice of
390 obligation is inaccurate, the department shall forthwith issue an order
391 prohibiting a notice of delinquency. The party for whom the
392 determination by the chairman or such chairman's designee was
393 adverse, shall promptly pay to the department a part of the cost of the
394 proceedings as determined by the chairman or such chairman's
395 designee, which shall not be less than fifty dollars. The department may
396 suspend or revoke the permit of any permittee who, in bad faith, gives
397 an incorrect notice of obligation, an incorrect response to notice of
398 obligation, or an unauthorized notice of delinquency. If the department
399 does not receive a response to the notice of obligation within such ten-
400 day period, the delinquency shall be deemed to be admitted and the
401 wholesaler or manufacturer who sent the notice of obligation shall,
402 within the three days following the expiration of such ten-day period,

403 give a notice of delinquency to the department and to all wholesalers
404 and manufacturers engaged in the business of selling alcoholic liquor to
405 retailers in this state. A notice of delinquency identifying a retailer who
406 does not file a response within such ten-day period shall have the same
407 effect as a notice of delinquency given by order of the chairman or such
408 chairman's designee. A wholesaler permittee or manufacturer permittee
409 that has given a notice of delinquency and that receives full payment for
410 the credit extended, shall, within three days after the date of full
411 payment, give a notice of satisfaction to the department and to all
412 wholesalers and manufacturers to whom a notice of delinquency was
413 sent. The prohibition against extension of credit to such retailer shall be
414 void upon such full payment. The department may revoke or suspend
415 any permit for a violation of this section. An appeal from an order of
416 revocation or suspension issued in accordance with this section may be
417 taken in accordance with section 30-60.

418 Sec. 14. Section 42-179 of the 2022 supplement to the general statutes
419 is repealed and the following is substituted in lieu thereof (*Effective*
420 *October 1, 2022*):

421 (a) As used in this chapter:

422 (1) "Consumer" means the purchaser, other than for purposes of
423 resale, of a motor vehicle, a lessee of a motor vehicle, any person to
424 whom such motor vehicle is transferred during the duration of an
425 express warranty applicable to such motor vehicle, and any person
426 entitled by the terms of such warranty to enforce the obligations of the
427 warranty; and

428 (2) ["motor vehicle"] "Motor vehicle" means a passenger motor
429 vehicle, a passenger and commercial motor vehicle or a motorcycle, as
430 defined in section 14-1, which is sold or leased in this state.

431 (b) If a new motor vehicle does not conform to all applicable express
432 warranties, and the consumer reports the nonconformity to the
433 manufacturer, its agent or its authorized dealer during the period of two
434 years following the date of original delivery of the motor vehicle to a

435 consumer or during the period of the first twenty-four thousand miles
436 of operation, whichever period ends first, the manufacturer, its agent or
437 its authorized dealer shall make such repairs as are necessary to
438 conform the vehicle to such express warranties, notwithstanding the
439 fact that such repairs are made after the expiration of the applicable
440 period.

441 (c) No consumer shall be required to notify the manufacturer of a
442 claim under this section and sections 42-181 to 42-184, inclusive, unless
443 the manufacturer has clearly and conspicuously disclosed to the
444 consumer, in the warranty or owner's manual, that written notification
445 of the nonconformity is required before the consumer may be eligible
446 for a refund or replacement of the vehicle. The manufacturer shall
447 include with the warranty or owner's manual the name and address to
448 which the consumer shall send such written notification.

449 (d) (1) If the manufacturer or its agents or authorized dealers are
450 unable to conform the motor vehicle to any applicable express warranty
451 by repairing or correcting any defect or condition which substantially
452 impairs the use, safety or value of the motor vehicle to the consumer
453 after a reasonable number of attempts, the manufacturer shall replace
454 the motor vehicle with a new motor vehicle acceptable to the consumer,
455 or accept return of the vehicle from the consumer and refund to the
456 consumer, lessor and lienholder, if any, as their interests may appear,
457 the following: [(1)] (A) The full contract price, including, but not limited
458 to, charges for undercoating, dealer preparation and transportation and
459 installed options; [, (2)] (B) all collateral charges, including but not
460 limited to, sales tax, license and registration fees, and similar
461 government charges; [, (3)] (C) all finance charges incurred by the
462 consumer after he first reports the nonconformity to the manufacturer,
463 agent or dealer and during any subsequent period when the vehicle is
464 out of service by reason of repair; [,] and [(4)] (D) all incidental damages,
465 if applicable, less a reasonable allowance for the consumer's use of the
466 vehicle. [Incidental]

467 (2) For the purposes of this subsection, incidental damages include,

468 but are not limited to, compensation for any commercially reasonable
469 charges or expenses with respect to: (A) Inspection, receipt,
470 transportation, care or custody of the motor vehicle; [] (B) covering,
471 returning or disposing of the motor vehicle; [] (C) reasonable efforts to
472 minimize or avoid the consequences of financial default related to the
473 motor vehicle; [] and (D) effectuating other remedies after a defect or
474 condition that substantially impaired the motor vehicle has been
475 reported to a dealership or manufacturer.

476 (3) No authorized dealer shall be held liable by the manufacturer for
477 any refunds or vehicle replacements in the absence of evidence
478 indicating that dealership repairs have been carried out in a manner
479 inconsistent with the manufacturers' instructions. Refunds or
480 replacements shall be made to the consumer, lessor and lienholder if
481 any, as their interests may appear. A reasonable allowance for use shall
482 be that amount obtained by multiplying the total contract price of the
483 vehicle by a fraction having as its denominator one hundred twenty
484 thousand and having as its numerator the number of miles that the
485 vehicle traveled prior to the manufacturer's acceptance of its return.

486 (4) It shall be an affirmative defense to any claim under this section
487 [(i) that an] that: (A) An alleged nonconformity does not substantially
488 impair such use, safety or value; [] or (ii) that] or (B) a nonconformity is
489 the result of abuse, neglect or unauthorized modifications or alterations
490 of a motor vehicle by a consumer.

491 (e) (1) It shall be presumed that a reasonable number of attempts have
492 been undertaken to conform a motor vehicle to the applicable express
493 warranties, if: [(1) the] (A) The same nonconformity has been subject to
494 repair four or more times by the manufacturer or its agents or
495 authorized dealers during the period of two years following the date of
496 original delivery of the motor vehicle to a consumer or during the period
497 of the first twenty-four thousand miles of operation, whichever period
498 ends first, but such nonconformity continues to exist; [] or [(2)] (B) the
499 vehicle is out of service by reason of repair for a cumulative total of
500 thirty or more calendar days during the applicable period, determined

501 pursuant to [subdivision (1) of this subsection.] Such subparagraph (A)
502 of this subdivision.

503 (2) The two-year period and [such] thirty-day period set forth in
504 subdivision (1) of this subsection shall be extended by any period of
505 time during which repair services are not available to the consumer
506 because of a war, invasion, strike or fire, flood or other natural disaster.

507 (3) No claim shall be made under this section unless at least one
508 attempt to repair a nonconformity has been made by the manufacturer
509 or its agent or an authorized dealer or unless such manufacturer, its
510 agent or an authorized dealer has refused to attempt to repair such
511 nonconformity.

512 (f) If a motor vehicle has a nonconformity which results in a condition
513 which is likely to cause death or serious bodily injury if the vehicle is
514 driven, it shall be presumed that a reasonable number of attempts have
515 been undertaken to conform such vehicle to the applicable express
516 warranties if the nonconformity has been subject to repair at least twice
517 by the manufacturer or its agents or authorized dealers within the
518 express warranty term or during the period of one year following the
519 date of the original delivery of the motor vehicle to a consumer,
520 whichever period ends first, but such nonconformity continues to exist.
521 The term of an express warranty and such one-year period shall be
522 extended by any period of time during which repair services are not
523 available to the consumer because of war, invasion, strike or fire, flood
524 or other natural disaster.

525 (g) (1) No motor vehicle which is returned to any person pursuant to
526 any provision of this chapter or in settlement of any dispute related to
527 any complaint made under the provisions of this chapter and which
528 requires replacement or refund shall be resold, transferred or leased in
529 the state without clear and conspicuous written disclosure of the fact
530 that such motor vehicle was so returned prior to resale or lease. Such
531 disclosure shall be affixed to the motor vehicle and shall be included in
532 any contract for sale or lease. The Commissioner of Motor Vehicles shall,

533 by regulations adopted in accordance with the provisions of chapter 54,
534 prescribe the form and content of any such disclosure statement and
535 establish provisions by which the commissioner may remove such
536 written disclosure after such time as the commissioner may determine
537 that such motor vehicle is no longer defective.

538 (2) For any motor vehicle subject to a complaint made under the
539 provisions of this chapter, if a manufacturer accepts the return of a
540 motor vehicle or compensates any person who accepts the return of a
541 motor vehicle, whether the return is pursuant to an arbitration award or
542 settlement, such manufacturer shall stamp the words
543 "MANUFACTURER BUYBACK-LEMON" clearly and conspicuously
544 on the face of the original title in letters at least one-quarter inch high
545 and, not later than thirty days after receipt of the title, shall submit a
546 copy of the stamped title to the Department of Motor Vehicles. The
547 Department of Motor Vehicles shall maintain a listing of such buyback
548 vehicles and in the case of any request for a title for a buyback vehicle,
549 shall cause the words "MANUFACTURER BUYBACK-LEMON" to
550 appear clearly and conspicuously on the face of the new title in letters
551 which are at least one-quarter inch high. Any person who applies for a
552 title shall disclose to the department the fact that such vehicle was
553 returned as set forth in this subsection.

554 (3) If a manufacturer accepts the return of a motor vehicle from a
555 consumer due to a nonconformity or defect, in exchange for a refund or
556 a replacement vehicle, whether as a result of an administrative or
557 judicial determination, an arbitration proceeding or a voluntary
558 settlement, the manufacturer shall notify the Department of Motor
559 Vehicles and shall provide the department with all relevant information,
560 including the year, make, model, vehicle identification number and
561 prior title number of the vehicle. Such manufacturer shall stamp the
562 words "MANUFACTURER BUYBACK-LEMON" clearly and
563 conspicuously on the face of the original title in letters at least one-
564 quarter-inch high, and, not later than thirty days after receipt of the title,
565 shall submit a copy of the stamped title to the Department of Motor
566 Vehicles. The Commissioner of Motor Vehicles shall adopt regulations

567 in accordance with chapter 54 specifying the format and time period in
568 which such information shall be provided and the nature of any
569 additional information which the commissioner may require.

570 (4) The provisions of this subsection shall apply to motor vehicles
571 originally returned in another state from a consumer due to a
572 nonconformity or defect in exchange for a refund or replacement vehicle
573 and which a lessor or transferor with actual knowledge subsequently
574 sells, transfers or leases in this state.

575 (5) If a manufacturer fails to stamp a title as required by this
576 subsection within thirty days of receipt of the title, the Department of
577 Consumer Protection may impose a fine not to exceed ten thousand
578 dollars on the manufacturer. Any such fine shall be deposited into the
579 new automobile warranties account established pursuant to section 42-
580 190. A manufacturer that is aggrieved by a fine imposed pursuant to this
581 subsection may, within ten days of receipt of written notice of such fine
582 from the department, request, in writing, a hearing. The department
583 shall, upon the receipt of all documentation necessary to evaluate the
584 request, determine whether circumstances beyond the manufacturer's
585 control prevented performance, and may conduct a hearing pursuant to
586 chapter 54, if appropriate.

587 (h) All express and implied warranties arising from the sale of a new
588 motor vehicle shall be subject to the provisions of part 3 of article 2 of
589 title 42a.

590 (i) Nothing in this section shall in any way limit the rights or remedies
591 which are otherwise available to a consumer under any other law.

592 (j) If a manufacturer has established an informal dispute settlement
593 procedure which is certified by the Attorney General as complying in
594 all respects with the provisions of Title 16 Code of Federal Regulations
595 Part 703, as in effect on October 1, 1982, and with the provisions of
596 subsection (b) of section 42-182, the provisions of subsection (d) of this
597 section concerning refunds or replacement shall not apply to any
598 consumer who has not first resorted to such procedure.

599 (k) The Commissioner of Consumer Protection may adopt
600 regulations, in accordance with the provisions of chapter 54, to
601 implement the provisions of this section.

602 Sec. 15. Section 42-162 of the general statutes is repealed and the
603 following is substituted in lieu thereof (*Effective July 1, 2022*):

604 The notice required by section 42-161, as amended by this act, shall
605 contain the following information in plain language and a simple
606 format: (1) An itemized statement of the owner's claim showing the
607 amount due at the time of the notice and the date the amount became
608 due; (2) a description of the personal property subject to the lien
609 sufficient to permit its identification, except that any container including
610 but not limited to a trunk, valise or box that is locked, fastened, sealed,
611 or tied in a manner which hinders immediate access to its contents may
612 be described as such without describing its contents; (3) a notice of
613 denial of access to the personal property by the occupant if such denial
614 is permitted under the terms of the rental agreement, such notice to
615 provide the name, street address and telephone number of the owner
616 whom the occupant may contact; (4) a demand for payment within a
617 conspicuously specified time not less than fourteen days after delivery
618 of the notice; and (5) a conspicuous statement that unless the amount
619 due is paid within the sixty days after default the owner will advertise
620 the personal property for sale or disposition and will sell or otherwise
621 dispose of such personal property, the date, time and place of such sale
622 or disposition to be specified in the notice.

623 Sec. 16. Subsection (a) of section 1-2b of the general statutes is
624 repealed and the following is substituted in lieu thereof (*Effective July 1,*
625 *2022*):

626 (a) For purposes of sections 1-100oo, 1-206, 2-71r, 4-176, 4-180, 4-183,
627 4a-52a, 4a-60q, 4a-63, 4a-100, 4e-34, 4e-35, 7-65, 7-148w, 7-247a, 7-473c,
628 7-478e, 8-3b, 8-3i, 8-7d, 8-26b, 8-169r, 8-293, 9-388, 9-608, 9-623, 10a-22c,
629 10a-22i, 10a-34a, 10a-109n, 12-35, 12-157, 12-242ii, 12-242jj, 13a-80, 13a-
630 123, 15-11a, 16-41, 16-50c, 16-50d, 17a-103b, 19a-87, 19a-87c, 19a-209c,

631 19a-332e, 19a-343a, 19a-486a, 19a-486c, 19a-486d, 19a-497, 19a-507b, 20-
632 205a, 20-325a, 21-63, 21-80, 22-7, 22a-6b, 22a-6u, 22a-30, 22a-42d, 22a-42f,
633 22a-66d, 22a-137, 22a-178, 22a-225, 22a-228, 22a-250, 22a-354p, 22a-354s,
634 22a-354t, 22a-361, 22a-371, 22a-401, 22a-403, 22a-433, 22a-436, 22a-449f,
635 22a-449l, 22a-449n, 22a-504, 22a-626, 23-46, 23-65j, 23-651, 23-65p, 25-32,
636 25-32e, 25-331, 25-34, 25-204, 25-234, 29-108d, 31-57c, 31-57d, 31-355, 32-
637 613, 33-663, 33-929, 33-1053, 33-1219, 34-521, 35-42, 36a-50, 36a-51, 36a-
638 52, 36a-53, 36a-82, 36a-184, 36a-493, 36b-62, 36b-72, 38-323a, 38a-344,
639 38a-676, 38a-724, 38a-788, 42-158j, [42-161,] 42-181, 42-182, 42-186, 42-
640 271, 45a-716, 46b-115w, 46b-128, 47-42d, 47-74f, 47-88b, 47-236, 47-284,
641 47a-11b, 47a-11d, 47a-13a, 47a-14h, 47a-56b, 49-2, 49-4a, 49-8, 49-8a, 49-
642 10b, 49-31b, 49-51, 49-70, 51-90e, 52-57, 52-59b, 52-63, 52-64, 52-195c, 52-
643 350e, 52-351b, 52-361a, 52-362, 52-565a, 52-605, 52-606, 53-401, 53a-128,
644 53a-128d, 53a-207 and 54-82c and chapter 965, any reference to certified
645 mail, return receipt requested, shall include mail, electronic, and digital
646 methods of receiving the return receipt, including all methods of
647 receiving the return receipt identified by the Mailing Standards of the
648 United States Postal Service in Chapter 500 of the Domestic Mail Manual
649 or any subsequent corresponding document of the United States Postal
650 Service.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2022</i>	42-159
Sec. 2	<i>July 1, 2022</i>	42-160
Sec. 3	<i>July 1, 2022</i>	42-161(b)
Sec. 4	<i>July 1, 2022</i>	42-163
Sec. 5	<i>July 1, 2022</i>	42-164
Sec. 6	<i>July 1, 2022</i>	20-432(g)
Sec. 7	<i>October 1, 2022</i>	20-691(b)
Sec. 8	<i>October 1, 2022</i>	21-71(d)
Sec. 9	<i>October 1, 2022</i>	21a-420(21)
Sec. 10	<i>October 1, 2022</i>	21a-420z(e)
Sec. 11	<i>October 1, 2022</i>	29-143b(b)
Sec. 12	<i>October 1, 2022</i>	30-37f(a)
Sec. 13	<i>October 1, 2022</i>	30-48(b)

Sec. 14	<i>October 1, 2022</i>	42-179
Sec. 15	<i>July 1, 2022</i>	42-162
Sec. 16	<i>July 1, 2022</i>	1-2b(a)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes various changes to self-service storage facilities and certain consumer protection statutes resulting in no fiscal impact to the state.

House "A" makes various changes to consumer protection statutes resulting in no fiscal impact to the state.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5148 (as amended by House "A")******AN ACT CONCERNING SELF-SERVICE STORAGE FACILITIES AND REVISIONS TO CERTAIN STATUTES CONCERNING CONSUMER PROTECTION.*****SUMMARY**

By law, the owner of a self-service storage facility has a lien upon any personal property left in the facility by a renter who defaults on a rental agreement. Before selling or disposing of the property, the facility owner must follow certain specific procedures for, among other things, notifying the defaulting renter and advertising the sale.

This bill makes several changes to the self-storage facilities lien process, including allowing (1) facility owners to have motor vehicles, vessels, or trailers towed off the property under certain circumstances; (2) online sales; and (3) additional types of notices and advertisements for sales.

The bill also makes various minor, technical, and conforming changes in the consumer protection statutes.

*House Amendment "A" (1) eliminates the option of providing a notice by mail with a certificate of mailing, (2) requires a notice by registered or certified mail to have a unique U.S. Postal Service tracking number instead of a return receipt request, (3) adds requirements concerning the presentation of and information in the notice, and (4) makes conforming changes.

EFFECTIVE DATE: October 1, 2022, except the storage lien provisions and a home improvement contractor technical change (§ 6) are effective July 1, 2022.

MOTOR VEHICLES, VESSELS, OR TRAILERS

The bill allows facility owners to have motor vehicles, vessels, or trailers towed from the facility by an insured towing service if rent, labor, or other valid charges related to the property are unpaid or unsatisfied for at least 60 days.

If the facility owner complies with this provision, then he or she does not need to comply with the existing law's notice requirements that apply specifically to motor vehicles and vessels (e.g., providing notice to the Department of Motor Vehicles or Secretary of the State (SOTS), as applicable, and following other specified procedures).

NOTICE REQUIREMENT

Existing law requires a facility owner to provide written notice to the defaulting renter, and anyone who filed a valid security interest in the property with SOTS, of the owner's intention to satisfy the lien (i.e., sell the property). The bill limits this notice requirement to those individuals who filed a valid security interest in the occupant's name.

Current law, requires notice to be sent by e-mail or registered or certified mail, return receipt requested, to the renter's last-known address. The bill eliminates the requirement for a notice by registered or certified mail to have a return receipt request and instead requires it to have a unique U.S. Postal Service tracking number.

Under current law, the notice must include:

1. an itemized statement of the owner's claim showing the amount due at the time of the notice and when it became due;
2. a description of the personal property subject to the lien sufficient to identify it (except certain containers that cannot immediately be accessed may be described without describing their contents);
3. if allowed under the rental agreement terms, a notice denying access to the personal property by the renter with the owner's contact information (i.e., name, street address, and telephone number);

4. a demand for payment within a specified time of at least 14 days after the notice is delivered;
5. a conspicuous statement that unless the amount due is paid within 60 days after default, the owner will advertise the personal property for sale or disposition and will sell or dispose of the property; and
6. the time and place of the sale or disposition.

The bill (1) requires this notice to be in plain language and a simple format, (2) requires the payment demand period to be clearly visible, and (3) specifies that the timing information about the sale or disposition must include the date on which it will take place.

SALE LOCATION

The bill allows the sale or other disposition of an occupant's personal property to be held online. Current law requires sales to be held at the self-storage facility or the nearest suitable place convenient to where the property is stored.

ADVERTISEMENTS

The bill expands the ways a facility owner may advertise the sale or disposition of the personal property and reduces the number of times the advertisement must be published, from twice to once. Current law requires the owner to advertise in a newspaper of substantial circulation in the municipality where the facility is located. The bill allows the newspaper advertisement to be either in print or online and decreases the readership threshold to general circulation. Additionally, the bill allows an alternative advertisement method, by allowing the advertisement to be on any publicly accessible, independent Internet website that regularly conducts online personal property auctions.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 16 Nay 2 (03/15/2022)