



# House of Representatives

General Assembly

**File No. 175**

February Session, 2022

Substitute House Bill No. 5148

*House of Representatives, March 29, 2022*

The Committee on General Law reported through REP. D'AGOSTINO of the 91st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***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 Section 42-159 of the general statutes is repealed and the  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, mail evidenced by a certificate of mailing or by  
116 registered or certified mail, return receipt requested, to the last-known  
117 address of the occupant. If the owner sends notice by electronic mail to  
118 the occupant, a statement shall be included in such electronic mail,  
119 indicating that opening of such electronic mail is acceptance of such  
120 notice by the occupant pursuant to this section.

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 Section 42-163 of the general statutes is repealed and the  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

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

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 Section 42-164 of the general statutes is repealed and the  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

130 (a) After the expiration of the time given in the notice for the occupant  
131 to pay the amount due, if the owner wishes, [he] the owner may [place  
132 an advertisement of] advertise the sale or other disposition of the  
133 personal property in [a] any print or online newspaper of [substantial]  
134 general circulation in the municipality where the self-service storage  
135 facility is located or on any publicly accessible, independent Internet  
136 web site that regularly conducts online auctions of personal property.  
137 Such advertisement shall be published at least [twice] once within a

138 period not less than ten days preceding the date of such sale or other  
139 disposition. The advertisement shall include: (1) A description of the  
140 personal property subject to the lien according to the requirements of  
141 section 42-162; (2) the name of the occupant, the address of the self-  
142 service storage facility, the unit number, if any, of the storage space  
143 where the personal property is located; and (3) the time, place and  
144 manner of the sale or other disposition.

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

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

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

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

161 (g) Before the commissioner may issue any order directing payment  
162 out of the guaranty fund to an owner pursuant to [subsections]  
163 subsection (e) or (f) of this section, the commissioner shall first notify the  
164 contractor of the owner's application for an order directing payment out  
165 of the guaranty fund and of the contractor's right to a hearing to contest  
166 the disbursement in the event that the contractor has already paid the  
167 owner or is complying with a payment schedule in accordance with a  
168 court judgment, order or decree. Such notice shall be given to the  
169 contractor not later than fifteen days after receipt by the commissioner

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

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

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

202       (2) The application fee for registration as a locksmith and the biennial

203 renewal fee for such registration shall be two hundred dollars.

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

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

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



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

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

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

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

264 (21) "Equity" and "equitable" means efforts, regulations, policies,  
265 programs, standards, processes and any other functions of government  
266 or principles of law and governance intended to: (A) Identify and  
267 remedy past and present patterns of discrimination and disparities of  
268 race, ethnicity, gender and sexual orientation; (B) ensure that such

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

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

277 (e) The commissioner shall adopt regulations, in accordance with  
278 chapter 54, to implement the provisions of RERACA. Notwithstanding  
279 the requirements of sections 4-168 to 4-172, inclusive, in order to  
280 effectuate the purposes of RERACA and protect public health and  
281 safety, prior to adopting such regulations the commissioner shall issue  
282 policies and procedures to implement the provisions of this section that  
283 shall have the force and effect of law. The commissioner shall post all  
284 policies and procedures on the department's Internet web site, and  
285 submit such policies and procedures to the Secretary of the State for  
286 posting on the eRegulations System, at least fifteen days prior to the  
287 effective date of any policy or procedure. Any such policy or procedure  
288 shall no longer be effective upon the earlier of either adoption of such  
289 policy or procedure as a final regulation under section 4-172 or forty-  
290 eight months from July 1, 2021, if such final regulations have not been  
291 submitted to the legislative regulation review committee for  
292 consideration under section 4-170. The commissioner shall issue policies  
293 and procedures, and thereafter adopt final regulations, requiring that:  
294 (1) The delivery service and transporter meet certain security  
295 requirements related to the storage, handling and transport of cannabis,  
296 the vehicles employed, the conduct of employees and agents, and the  
297 documentation that shall be maintained by the delivery service,  
298 transporter and its drivers; (2) a delivery service that delivers cannabis  
299 to consumers maintain an online interface that verifies the age of  
300 consumers ordering cannabis for delivery and meets certain  
301 specifications and data security standards; and (3) a delivery service that  
302 delivers cannabis to consumers, qualifying patients or caregivers, and

303 all employees and agents of such licensee, to verify the identity of the  
304 qualifying patient, caregiver or consumer and the age of the consumer  
305 upon delivery of cannabis to the end consumer, qualifying patient [ ] or  
306 caregiver, in a manner acceptable to the commissioner. The individual  
307 placing the cannabis order shall be the individual accepting delivery of  
308 the cannabis except, in the case of a qualifying patient, the individual  
309 accepting the delivery may be the caregiver of such qualifying patient.

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

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

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

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

336 be required by the Department of Consumer Protection to provide a  
337 barrier to separate the back bar area from the concourse area to prevent  
338 public access to the portion of the back bar area from which liquor is  
339 dispensed, if physically practicable.

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

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

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

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

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

420 (a) As used in this chapter:

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

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

430 (b) If a new motor vehicle does not conform to all applicable express  
431 warranties, and the consumer reports the nonconformity to the  
432 manufacturer, its agent or its authorized dealer during the period of two  
433 years following the date of original delivery of the motor vehicle to a  
434 consumer or during the period of the first twenty-four thousand miles  
435 of operation, whichever period ends first, the manufacturer, its agent or  
436 its authorized dealer shall make such repairs as are necessary to

437 conform the vehicle to such express warranties, notwithstanding the  
438 fact that such repairs are made after the expiration of the applicable  
439 period.

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

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

466 (2) For the purposes of this subsection, incidental damages include,  
467 but are not limited to, compensation for any commercially reasonable  
468 charges or expenses with respect to: (A) Inspection, receipt,  
469 transportation, care or custody of the motor vehicle; [,] (B) covering,

470 returning or disposing of the motor vehicle; [ ] (C) reasonable efforts to  
471 minimize or avoid the consequences of financial default related to the  
472 motor vehicle; [ ] and (D) effectuating other remedies after a defect or  
473 condition that substantially impaired the motor vehicle has been  
474 reported to a dealership or manufacturer.

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

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

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

502 (2) The two-year period and [such] thirty-day period set forth in



503 subdivision (1) of this subsection shall be extended by any period of  
504 time during which repair services are not available to the consumer  
505 because of a war, invasion, strike or fire, flood or other natural disaster.

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

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

524 (g) (1) No motor vehicle which is returned to any person pursuant to  
525 any provision of this chapter or in settlement of any dispute related to  
526 any complaint made under the provisions of this chapter and which  
527 requires replacement or refund shall be resold, transferred or leased in  
528 the state without clear and conspicuous written disclosure of the fact  
529 that such motor vehicle was so returned prior to resale or lease. Such  
530 disclosure shall be affixed to the motor vehicle and shall be included in  
531 any contract for sale or lease. The Commissioner of Motor Vehicles shall,  
532 by regulations adopted in accordance with the provisions of chapter 54,  
533 prescribe the form and content of any such disclosure statement and  
534 establish provisions by which the commissioner may remove such  
535 written disclosure after such time as the commissioner may determine

536 that such motor vehicle is no longer defective.

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

553 (3) If a manufacturer accepts the return of a motor vehicle from a  
554 consumer due to a nonconformity or defect, in exchange for a refund or  
555 a replacement vehicle, whether as a result of an administrative or  
556 judicial determination, an arbitration proceeding or a voluntary  
557 settlement, the manufacturer shall notify the Department of Motor  
558 Vehicles and shall provide the department with all relevant information,  
559 including the year, make, model, vehicle identification number and  
560 prior title number of the vehicle. Such manufacturer shall stamp the  
561 words "MANUFACTURER BUYBACK-LEMON" clearly and  
562 conspicuously on the face of the original title in letters at least one-  
563 quarter-inch high, and, not later than thirty days after receipt of the title,  
564 shall submit a copy of the stamped title to the Department of Motor  
565 Vehicles. The Commissioner of Motor Vehicles shall adopt regulations  
566 in accordance with chapter 54 specifying the format and time period in  
567 which such information shall be provided and the nature of any  
568 additional information which the commissioner may require.

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

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

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

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

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

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

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

**GL**      *Joint Favorable Subst.*

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*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.*

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**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.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sHB 5148*****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 to the consumer protection statutes.

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. Additionally, the bill allows the notice to be delivered by mail with a certificate of mailing. Current law, requires notice to be sent by e-mail or registered or certified mail, return receipt requested.

### **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)