



General Assembly

January Session, 2023

Raised Bill No. 6657

LCO No. 4008



Referred to Committee on TRANSPORTATION

Introduced by:
(TRA)

AN ACT CONCERNING NONCONSENSUAL TOWING.

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

1 Section 1. Subsection (a) of section 14-66 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2023*):

4 (a) (1) No person, firm or corporation shall engage in the business of
5 operating a wrecker for the purpose of towing or transporting motor
6 vehicles, including motor vehicles which are disabled, inoperative or
7 wrecked or are being removed in accordance with the provisions of
8 section 14-145, as amended by this act, 14-150 or 14-307, unless such
9 person, firm or corporation is a motor vehicle dealer or repairer licensed
10 under the provisions of subpart (D) of this part. (2) The commissioner
11 shall establish and publish a schedule of uniform rates and charges for
12 the nonconsensual towing and transporting of motor vehicles and for
13 the storage of motor vehicles which shall be just and reasonable. Such
14 charges shall include a charge for the release of a motor vehicle that has
15 been connected to a wrecker but not yet removed from the private
16 property from which it is to be towed. Upon petition of any person, firm

17 or corporation licensed in accordance with the provisions of this section,
18 but not more frequently than once every two years, the commissioner
19 shall reconsider the established rates and charges and shall amend such
20 rates and charges if the commissioner, after consideration of the factors
21 stated in this subdivision, determines that such rates and charges are no
22 longer just and reasonable. In establishing and amending such rates and
23 charges, the commissioner [may] shall consider factors, including, but
24 not limited to, the Consumer Price Index, rates set by other jurisdictions,
25 charges for towing and transporting services provided pursuant to a
26 contract with an automobile club or automobile association licensed
27 under the provisions of section 14-67, [and] rates published in standard
28 service manuals and the operating costs of the towing industry in the
29 state, including the cost of fuel, wreckers, heavy duty wreckers, motor
30 vehicle parts, equipment, personnel, workers' compensation insurance,
31 unemployment compensation, insurance premiums and credit card
32 processing fees. The commissioner shall hold a public hearing for the
33 purpose of obtaining additional information concerning such rates and
34 charges. (3) With respect to the nonconsensual towing or transporting
35 and the storage of motor vehicles, no such person, firm or corporation
36 shall (A) charge more than the rates and charges published by the
37 commissioner, or (B) charge for more than twenty miles of towing or
38 transporting. Any person aggrieved by any action of the commissioner
39 under the provisions of this section may take an appeal therefrom in
40 accordance with section 4-183, except venue for such appeal shall be in
41 the judicial district of New Britain.

42 Sec. 2. Section 14-66b of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective October 1, 2023*):

44 (a) Each owner of a wrecker registered pursuant to subsection (c) of
45 section 14-66 shall keep and maintain a record [stating] that includes the
46 following information: (1) The registration number of each motor
47 vehicle towed or transported and the registration number of each
48 wrecker used to tow or transport such motor vehicle; (2) the date and
49 time the tow commenced and was completed; (3) the location from
50 which the disabled motor vehicle was towed and the destination of such

51 tow; (4) the mileage of the wrecker at the commencement and
52 completion of the tow; (5) the charge for tow service and any other
53 charges incurred for services related to such tow; (6) the name and
54 address of the person requesting tow service; (7) one or more
55 photographs of the motor vehicle that (A) shows the condition of the
56 motor vehicle and the reason that the motor vehicle is being towed, and
57 (B) is taken prior to the motor vehicle being connected to the wrecker;
58 and [(7)] (8) any other information the commissioner deems necessary,
59 specified in regulations adopted in accordance with the provisions of
60 chapter 54. Such records shall be retained at the place of business of the
61 wrecker service for a period of two years and shall be available for
62 inspection during regular business hours by any law enforcement
63 officer or inspector designated by the Commissioner of Motor Vehicles.

64 (b) Each owner of a wrecker shall also keep and maintain copies of
65 any written contracts with owners or lessees of property authorizing the
66 towing or removal of motor vehicles from the property of such owner
67 or lessee, or with lending institutions repossessing any motor vehicles,
68 as provided in section 14-145, as amended by this act, and such contracts
69 shall be available for inspection by motor vehicle owners, agents of the
70 owners, or lending institutions, upon request.

71 (c) The Commissioner of Motor Vehicles may permit any licensed
72 motor vehicle dealer or repairer who operates a wrecker service to
73 maintain, in an electronic format prescribed by the commissioner, all
74 records, photographs, documents and forms required by the
75 Department of Motor Vehicles. Such records, photographs, documents
76 and forms shall be produced in written format, upon request by the
77 department, during the licensee's business hours on the same day of
78 such request.

79 (d) Any person who violates any provision of this section shall be
80 deemed to have committed an infraction.

81 Sec. 3. Section 14-145 of the general statutes is repealed and the
82 following is substituted in lieu thereof (*Effective October 1, 2023*):

83 (a) (1) [An] Except as provided in subdivision (2) of this subsection,
84 an owner or lessee of private property, or [his or her] such owner or
85 lessee's agent, may remove or cause to be removed, or may use a wheel-
86 locking device to render immovable, any motor vehicle left without
87 authorization on such property in accordance with the provisions of this
88 section and sections 14-145a to 14-145c, inclusive, as amended by this
89 act, provided any such owner or lessee, [of private commercial
90 property,] or [his or her] such owner or lessee's agent, [shall install] (A)
91 installs conspicuous signage stating that motor vehicles left without
92 authorization on such private [commercial] property may be removed
93 or rendered immovable and indicating where such motor vehicle will
94 be stored, how the vehicle may be redeemed and any costs or fees that
95 may be charged, and (B) in the case of removing or causing a motor
96 vehicle to be removed, affixes a written notice to the motor vehicle left
97 without authorization on such property at least twenty-four hours prior
98 to the removal of such motor vehicle. Any such notice shall (i) state that
99 the motor vehicle will be removed from the private property without
100 the consent of the owner of the motor vehicle if the motor vehicle
101 remains parked in the same location on the property, (ii) describe why
102 the motor vehicle will be removed, (iii) indicate the time when the motor
103 vehicle will be removed, which shall be not later than twenty-four hours
104 after the time the notice was affixed to the motor vehicle, (iv) indicate
105 the time when the notice is affixed to the motor vehicle, and (v) be
106 affixed to the motor vehicle at a conspicuous location on the windshield
107 nearest the operator.

108 (2) [Notwithstanding the provisions of subdivision (1) of this
109 subsection, an] An owner or lessee of private [commercial] property or
110 such owner or lessee's agent may tow any motor vehicle left without
111 authorization on such property [and no signage warning of such towing
112 shall be required to be installed by such owner or lessee] without
113 installing signage or affixing written notice to such motor vehicle as
114 described in subdivision (1) of this subsection if such motor vehicle is
115 left (A) on the property of a single-family dwelling or a multifamily
116 dwelling consisting of two to four units, (B) in a space reserved, as

117 required in section 14-253a, for exclusive use by persons who are blind
118 and persons with disabilities and such vehicle does not bear a
119 removable windshield placard or special license plate, as defined in
120 section 14-253a, [(B)] (C) in an area reserved for authorized emergency
121 vehicles, [(C)] (D) within ten feet of a fire hydrant, as provided in section
122 14-251, [(D)] (E) blocking building access, [(E)] (F) blocking entry or exit
123 from such property, or [(F)] (G) for forty-eight or more hours. On and
124 after October 1, 2023, if a motor vehicle remains on private property a
125 third or subsequent time in the same manner that caused the motor
126 vehicle to be subject to previous written notices, the owner or lessee, or
127 such owner or lessee's agent, need not affix a written notice to such
128 motor vehicle before removing or causing the removal of the motor
129 vehicle.

130 (3) A lending institution may repossess any motor vehicle, in
131 accordance with the provisions of section 36a-785, by contracting with a
132 wrecker licensed under section 14-66, as amended by this act, or an
133 entity exempt from such licensure, as provided in subsection (f) of
134 section 14-66, to tow or otherwise remove such motor vehicle in
135 accordance with the provisions of this section and sections 14-145a to
136 14-145c, inclusive, as amended by this act. In the case of a repossession,
137 no signage or written notice as described in subdivision (1) of this
138 subsection shall be required.

139 (4) This section shall not apply to law enforcement, fire-fighting,
140 rescue, ambulance or emergency vehicles which are marked as such, or
141 to motor vehicles left without authorization on property leased by any
142 governmental agency.

143 (b) (1) (A) When an unauthorized motor vehicle is towed or otherwise
144 removed by a wrecker licensed under section 14-66, as amended by this
145 act, or a repossessed motor vehicle is towed or otherwise removed by a
146 wrecker or an exempt entity, the licensee or operator of the wrecker or
147 the exempt entity shall notify the local police department of the tow or
148 removal within two hours. Such notification shall be submitted, in
149 writing, or transmitted by facsimile or electronic mail and the record of

150 such notification shall be retained by such licensee, operator or exempt
151 entity in accordance with the provisions of section 14-66b, as amended
152 by this act.

153 (B) No such licensee, operator or exempt entity may charge a storage
154 fee for an unauthorized or repossessed motor vehicle for the time it is
155 stored prior to notification of the local police department by the licensee,
156 operator or exempt entity. If such motor vehicle is not claimed within
157 forty-eight hours, the licensee or operator of the wrecker or of the garage
158 where such motor vehicle is stored or the exempt entity shall
159 immediately complete a notice of such tow, on a form prescribed by the
160 Commissioner of Motor Vehicles, and mail a copy of such form by
161 certified mail, return receipt requested, to the owner and all lienholders
162 of record. If the motor vehicle is not claimed by its owner within the
163 time period specified in subsection (e) of section 14-150, the licensee or
164 operator of the wrecker or of the garage where such motor vehicle is
165 stored or the exempt entity may dispose of such motor vehicle in
166 accordance with the provisions of subsection (e) and subsections (g) to
167 (j), inclusive, of section 14-150.

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

179 (B) No owner, lessee or agent may charge a fee to remove a wheel-
180 locking device prior to notification of the local police department. The
181 fee charged to remove a wheel-locking device may not be more than
182 fifty dollars. The person claiming the motor vehicle may choose to pay

183 such fee in cash, by check or by debit or credit card. Ten per cent of such
184 fee shall be remitted to the local police department by the owner, lessee
185 or agent. If such motor vehicle is not claimed within forty-eight hours
186 after being rendered immovable, the owner, lessee or agent shall
187 immediately complete a notice that such motor vehicle has been
188 rendered immovable, on a form prescribed by the commissioner, and
189 mail a copy of such form by certified mail, return receipt requested, to
190 the owner of such motor vehicle and all lienholders of record. If the
191 motor vehicle is not claimed by its owner within the time period
192 specified in subsection (e) of section 14-150, the owner, lessee or agent
193 may dispose of such motor vehicle in accordance with the provisions of
194 subsection (e) and subsections (g) to (j), inclusive, of section 14-150.

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

205 (c) Upon request by the owner or operator of a motor vehicle that has
206 been connected to a wrecker but has not yet been removed from the
207 private property, the licensee or operator of the wrecker shall
208 immediately release the motor vehicle to such owner or operator and
209 may charge no more than the amount published by the Commissioner
210 of Motor Vehicles pursuant to subdivision (2) of subsection (a) of section
211 14-66, as amended by this act.

212 [(c)] (d) The commissioner may adopt regulations, in accordance with
213 the provisions of chapter 54, (1) specifying the circumstances under
214 which title to any motor vehicle towed or stored, or both, or rendered
215 immovable under this section may be transferred to any person, firm or

216 corporation towing, storing or rendering immovable such vehicle, and
217 (2) establishing the procedure whereby such person, firm or corporation
218 may obtain title to such motor vehicle.

219 [(d)] (e) No owner or lessee of private property, or [his or her] such
220 owner or lessee's agent, shall issue a parking citation by written
221 warning, posted signage or other means to impose a monetary sanction
222 on an owner of a motor vehicle parked on such property. The provisions
223 of this subsection shall not apply to an independent institution of higher
224 education, as defined in subsection (a) of section 10a-173, or a private
225 secondary school.

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

231 Sec. 4. Section 14-145a of the general statutes is repealed and the
232 following is substituted in lieu thereof (*Effective October 1, 2023*):

233 (a) No [vehicle] vehicles shall be towed or removed from private
234 property except (1) upon express instruction of the owner or lessee, or
235 [his or her] such owner or lessee's agent, of the property [upon which
236 the vehicle is trespassing] for each individual case of a vehicle left
237 without authorization on such property, or (2) for the purpose of
238 repossession of the motor vehicle by a lending institution. No vehicle
239 shall be rendered immovable on private property through the use of a
240 wheel-locking device except upon express instruction of the owner or
241 lessee, or [his or her] such owner or lessee's agent. Nothing in this
242 subsection shall be construed to limit the right of a municipality or the
243 state to remove an abandoned motor vehicle in accordance with the
244 provisions of section 14-150.

245 (b) No person, [or] firm or corporation licensed under section 14-66,
246 as amended by this act, that tows or removes a motor vehicle from
247 private property or renders a motor vehicle immovable on private

248 property shall rebate or pay any money or other valuable consideration
249 to the owner or lessee, or [his or her] such owner or lessee's agent, of the
250 property from which the vehicle is towed or removed or on which the
251 vehicle is rendered immovable, or to a lending institution, for the
252 privilege of towing, removing or rendering immovable such vehicle.

253 (c) No person, firm or corporation licensed under section 14-66, as
254 amended by this act, shall enter into any agreement with an owner or
255 lessee of private property to provide automatic or systematic
256 surveillance of such property for the purpose of towing or removing any
257 motor vehicle from such property, except upon express instruction by
258 such owner or lessee to such person, firm or corporation for each
259 individual case of a motor vehicle left without authorization on such
260 property. Any person, firm or corporation violating the provisions of
261 this subsection shall be fined not more than one thousand dollars.

262 Sec. 5. Section 14-145b of the general statutes is repealed and the
263 following is substituted in lieu thereof (*Effective October 1, 2023*):

264 (a) (1) Any vehicle towed or removed from private property pursuant
265 to sections 14-145 to 14-145c, inclusive, as amended by this act, shall be
266 stored at the site of the towing company's business in a secured storage
267 lot, provided such site is located within a twenty-mile radius of the
268 private property from where the vehicle was removed. The site shall be
269 open during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday,
270 and be reasonably available on Saturday, Sunday and holidays, for the
271 purpose of vehicle redemption.

272 (2) No vehicle shall be rendered immovable on private property
273 through use of a wheel-locking device pursuant to sections 14-145 to 14-
274 145c, inclusive, as amended by this act, unless the vehicle is located in a
275 secure place on such property that is reasonably accessible for the
276 purpose of vehicle redemption. Personnel to provide for vehicle
277 redemption shall be on such property for not less than eight hours after
278 a vehicle has been rendered immovable. Additionally, signage shall
279 describe the hours for vehicle redemption when the eight-hour deadline

280 has passed. If the vehicle is towed or removed from such property, all
281 provisions of sections 14-145 to 14-145c, inclusive, as amended by this
282 act, relating to the towing or removal of a vehicle shall be applicable.

283 (b) When a vehicle has been towed or removed pursuant to sections
284 14-145 to 14-145c, inclusive, as amended by this act, it shall be released
285 to its owner, a lending institution or a person authorized by the owner
286 or lending institution to regain possession, upon demand, provided the
287 demand is made between the hours of 8:00 a.m. and 5:00 p.m., Monday
288 through Friday or at a reasonable time on Saturday, Sunday or holidays
289 and the owner or authorized person presents proof of registration and
290 pays the costs of towing or removal and of storage. The person or firm
291 towing or removing the vehicle shall accept such payment by cash,
292 check, credit card or debit card and maintain sufficient cash at the office
293 of the towing company's business to provide change to the owner or
294 authorized person at the time of payment.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	14-66(a)
Sec. 2	October 1, 2023	14-66b

Sec. 3	<i>October 1, 2023</i>	14-145
Sec. 4	<i>October 1, 2023</i>	14-145a
Sec. 5	<i>October 1, 2023</i>	14-145b

Statement of Purpose:

To (1) require the Commissioner of Motor Vehicles to consider operating costs of the towing industry when establishing rates and charges for nonconsensual towing, (2) prohibit wreckers from charging for more than twenty miles of towing or transporting, (3) require wreckers to take one or more pictures of a motor vehicle prior to towing or transporting and accept payment by cash, check, credit card or debit card and provide change when appropriate, (4) require twenty-four-hour notice prior to removing a motor vehicle from private property, and (5) prohibit agreements between property owners and wreckers for the surveillance of property for the purpose of towing vehicles.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]