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Motor Vehicle Dealers and Repairers Licensing and Operation

Sec. 14-63-1. Definitions

(a) "New car dealer" includes any person, firm or corporation engaged in the business of merchandising new motor vehicles under factory contract who may, incidental to such business, sell used motor vehicles and repair motor vehicles or cause them to be repaired by qualified persons in his employ. He shall be a qualified person and have a suitable and adequate place of business, which shall be determined by the commissioner of motor vehicles.

(b) "Used car dealer" includes any person, firm or corporation engaged in the business of merchandising motor vehicles other than new who may, incidental to such business, repair motor vehicles or cause them to be repaired by qualified persons in his employ. He shall be a qualified person and have a suitable and adequate place of business, which shall be determined by the commissioner of motor vehicles.

(c) "Repairer" includes any person, firm or corporation engaged in repairing, overhauling, removing, adjusting, replacing, assembling or disassembling parts of any motor vehicle. He shall be a qualified person having a suitable place of business and having adequate equipment, but "repairer" shall exclude a person engaged in making repairs to tires, upholstering, glazing, general blacksmithing, welding and machine work on motor vehicle parts when parts involving such work are disassembled and reassembled by a licensed repairer; provided lubricating motor vehicles, changing tires and tubes or installing light bulbs, windshield wiper blades, spark plugs, fan belts or other similar service incidental to the sale of motor vehicle fuels shall not be construed as constituting the holder of a gasoline pump license in this state a repairer under the provisions of subdivision (d) of part III of chapter 246 of the general statutes.

Sec. 14-63-2. Requirements for new car dealer

The following minimum requirements for qualification as a new car dealer are established:

(a) **Previous experience:** At least one of the following: (1) In some other line of endeavor; (2) as a former employee of a dealer; (3) as a former member of a firm having a dealer's license.

(b) **Personal:** (1) Two recommendations from former employers or business associates; (2) two credit statements from reputable business firms; (3) (1) and (2) shall be furnished for each member of a firm.

(c) **Franchise:** (1) A contract approved by the parent company; (2) a statement that a contract is in force from a factory or distributor on file with the department of motor vehicles.

(d) **Place of business:** (1) Approved by local authority in accordance with section 14-54 of the general statutes; (2) approved by the commissioner of motor vehicles.

(e) **Proper facilities:** (1) For the display and storage of new and used motor vehicles; (2) a repair department capable of taking care of at least two motor vehicles simultaneously, exclusive of a grease pit or rack; (3) an office and parts department suitable to conduct business. The requirements of this subsection may be waived for a second or additional license, provided the location for which such license is applied for is adjacent to a location licensed by such applicant under section 14-52 of the general statutes and complies with the other provisions of this regulation.

(f) **Personnel and equipment:** (1) At least one mechanic having thorough knowledge of the product handled; (2) sufficient tools and equipment for proper servicing.

(Effective April 11, 1967)

Sec. 14-63-3. Requirements for used car dealer

The following minimum requirements for qualification as a used car dealer are established:

(a) **Previous experience:** At least one of the following: (1) In some other line of endeavor; (2) as a former employee of a dealer; (3) as a former member of a firm having a dealer's license.

(b) **Personal:** (1) Two recommendations from former employers or business associates; (2) two credit statements from reputable business firms; (3) (1) and (2) shall be furnished for each member of a firm.

(c) **Place of business:** (1) Approved by local authority in accordance with section 14-54 of the general statutes; (2) approved by the commissioner of motor vehicles.

(d) **Proper facilities:** (1) For the display of used cars; (2) a repair department capable of taking care of at least two motor vehicles simultaneously, exclusive of a grease pit or a rack; (3) a suitable office in which business may be conducted. The requirements of this subsection may be waived for a second or additional license, provided the location for which such license is applied for is adjacent to a location licensed by such applicant under section 14-52 of the 1969 supplement to the general statutes and complies with the other provisions of this regulation.

(e) **Personnel and equipment:** (1) At least one mechanic having thorough knowledge of the product handled; (2) sufficient tools and equipment for proper servicing.

(Effective April 11, 1967)

Sec. 14-63-4. Requirements for repairer

The following minimum requirements for qualification as a repairer are established:

(a) **Previous experience:** At least one of the following: (1) In some other line of endeavor; (2) as a former employee of a dealer or repairer; (3) as a former member of a firm having a dealer's or a repairer's license.

(b) **Personal:** (1) Two recommendations from former employers or business associates; (2) two credit statements from reputable business firms; (3) (1) and (2) shall be furnished for each member of a firm.

(c) **Place of business:** (1) Approved by local authority in accordance with section 14-54 of the general statutes; (2) approved by the commissioner of motor vehicles.

(d) **Proper facilities:** (1) A building adequate to receive at least one motor vehicle for repairs, exclusive of a grease pit or rack; (2) a suitable office and storage space for parts and accessories.

(e) **Personnel and equipment:** (1) The applicant shall be a qualified mechanic or have at least one in his employ who has a thorough knowledge of the services to be rendered; (2) sufficient tools and equipment for doing the type of servicing contemplated.

(Effective February 8, 1980)

Sec. 14-63-4a. Requirements for limited repairer

The following minimum requirements for qualification as a limited repairer are established:

(a) **Training or experience:** A person shall be deemed capable of performing the duties of a limited repairer if he (1) in the opinion of the commissioner is a

qualified mechanic who has a thorough knowledge of the services to be rendered, or (2) has a certificate of completion of a specialized course from a service school approved by the commissioner, or (3) has satisfactory proof of previous employment by a licensed repairer for a period of three years, or (4) has successfully passed an examination given by the motor vehicle department.

(b) **Personal:** (1) Two recommendations from former employers or business associates, (2) two credit statements from reputable business firms, (3) the requirements of subdivisions (1) and (2) of this subsection shall apply to each member of a firm.

(c) **Place of business:** (1) Approval by local authority in accordance with section 14-54 of the general statutes, (2) approved by the commissioner of motor vehicles.

(d) **Proper facilities:** (1) A building adequate to receive at least one motor vehicle for repairs, exclusive of a grease pit or rack; (2) suitable office and storage space for parts and accessories.

(Effective July 27, 1982)

Sec. 14-63-4b. Repair of unit body construction vehicles

A licensee which is a new car dealer, used car dealer or repairer and which engages in the structural repair of unit body construction motor vehicles shall have and maintain in good operating condition the following tools and equipment:

(1) Apparatus permitting four (4) point clamping to secure the vehicle while making structural repairs;

(2) Electrical or hydraulic pulling equipment appropriate to the type of repair;

(3) Equipment for making three-dimensional measurements for both symmetrical and asymmetrical vehicles;

(4) Reference guides providing dimensions appropriate to the vehicle being repaired;

(5) Welding equipment meeting vehicle manufacturer's requirements for the specific structural repair;

(6) Painting equipment capable of refinishing vehicles to the manufacturer's original specifications; and

(7) Equipment for applying corrosion protection to the vehicle meeting the manufacturer's specifications.

(Effective March 7, 1996)

Sec. 14-63-5. Applications for licenses

Applications for licenses are in two forms: A card application and an additional information sheet.

Sec. 14-63-6. Approval by local authority

A hearing on the location shall be held and the approval certificate, which is part of the additional information sheet, shall be signed by the proper authorities.

Sec. 14-63-7. Approval by police authority

The additional information sheet shall be approved by the chief of police where there is an organized police force and, where there is none, by the commander of the state police barracks in the territory where such location is to be.

Sec. 14-63-8. Presentation of application for license

When applications have been properly filled out, they may be presented to the department with a fee of forty dollars for the initial examination of the proposed

location. In addition, a copy of the advertisement of the local hearing and a blue print or accurate sketch of the proposed location shall accompany the application.

Sec. 14-63-9. Final approval

Upon final approval of the application by the commissioner of motor vehicles, the applicant may then present the necessary fees, together with proof of financial responsibility, whereupon the license will be issued.

Sec. 14-63-10.

Repealed, May 8, 1980.

Sec. 14-63-11. Sale of motor vehicles

Motor vehicles cannot be sold by repairers. A dealer's license is required for the sale of motor vehicles.

Sec. 14-63-12. Change in location

When a change in location is contemplated, notification shall be made to the department before the change is made. If the new location has not been previously approved, the same procedure shall be followed as if it were a new application.

Sec. 14-63-13. License nontransferable. Change in name

A dealer's or repairer's license is not transferable. A change of name may be granted as long as the personnel of the concern remains the same.

Sec. 14-63-14. Change in classification

The only change in classification permitted is between new and used car dealers.

Sec. 14-63-15. Use of dealers' and repairers' plates

(a) **Business use.** Dealer plates may be used for the demonstrating, testing and delivering of new, used and repaired motor vehicles, for service cars, wreckers and any use connected with a licensee's business. Motor vehicles so registered shall not be rented, operated for hire or, if commercial vehicles, operated under any circumstances with a load.

(b) **Personal use.** Repealed, February 22, 1985.

(c) **Legal Loan.** Dealers' plates, or a motor vehicle bearing dealers' plates, may be loaned for a period not to exceed thirty days in any year for the following purposes: (1) For the trial of motor vehicles; (2) for use while a customer's motor vehicle, properly registered, is being repaired; (3) for use while a registration is being obtained. Repairers' plates, or a motor vehicle bearing repairers' plates, may be loaned for a period not to exceed thirty days in any year for use while a customer's motor vehicle, properly registered, is being repaired.

(d) Each motor vehicle displaying a general distinguishing number plate pursuant to Section 14-59 or Section 14-60 of the General Statutes shall be operated by a person who has in his or her possession a supplemental identification document issued by a new dealer, used dealer, repairer or limited repairer licensee indicating such person is validly entrusted with such vehicle. If a vehicle displaying a general distinguishing number plate issued to a licensee is being operated by a customer of such licensee in accord with the provisions of Section 14-58 of the General Statutes a copy of the loan agreement required pursuant to Section 14-60 shall serve as the supplemental identification document. If the motor vehicle is being operated by the licensee or an employee the supplemental identification document shall be prepared in duplicate on a form which is not smaller than 3 3/8 inches by 2 inches. Except

as indicated below the type shall be no smaller than 8 point type and contain the following information:

Expiration date

not less than 10 point type:

- Plate number(s)
- The below designated owner or employee of _____, _____, (firm name) (firm address) is the driver validly entrusted with motor vehicles bearing the above general distinguishing number plate or plates.
- Driver's name (type or print)
- Driver's signature

Signature of owner

No supplemental identification document may be issued to expire more than six months from the date of issuance. The duplicate copy of this supplemental identification document shall be retained by the licensee at the licensee's place of business for a period of six months from the date of its expiration and shall be available for examination by any police officer or inspector designated by the commissioner of motor vehicles.

(Effective April 3, 1990)

Sec. 14-63-16. Special dealers' plates (commercial)

Dealers having these special plates may demonstrate commercial motor vehicles with a capacity load, or may loan commercial motor vehicle or special number plates, or both, to any person not more than fifteen days in any year, when a commercial motor vehicle, properly registered, owned by such person is disabled or is undergoing repairs, or when such person has purchased a commercial motor vehicle, the registration of which is pending.

Guarantees

Sec. 14-63-17. Requirements for guarantees on orders and invoices on sale of motor vehicles

The following minimum requirements are established for all guarantees contained on orders and invoices as provided for by section 14-62 of the 1969 supplement to the general statutes: Each order and invoice containing the phrase ''This motor vehicle is guaranteed'' as provided for by said section 14-62 shall contain, immediately following such phrase, a correct statement as to the number of miles or period of time for which the guarantee shall run and any portion of any repairs made under such guarantee for which the purchaser shall be liable for payment.

(Effective April 23,1968)

Odometers

Sec. 14-63-18. Recording mileage—transferor

No dealer licensed under the provisions of section 14-52 of the General Statutes shall purchase or accept any motor vehicle unless the transferor has indicated the mileage displayed on the odometer of such motor vehicle on one of the following documents in the manner specified:

(a) The transferor, other than a manufacturer or importer, executing any assignment of a Manufacturer's Statement of Origin shall record such mileage in the space designated or, if not so designated, immediately following the word "ASSIGNMENT" in the caption of the assignment section so executed.

(b) The transferor executing any assignment of a Manufacturer's Statement of Origin shall record such mileage in the space designated or, if not so designated, immediately following the word "ASSIGNMENT" in the caption of the assignment section so executed.

(c) The transferor executing the first assignment of a certificate of title shall record such mileage in the space designated or, if not so designated, in the space immediately preceding the word "date".

(d) Where the title is in the possession of the lienholder, the transferor shall record such mileage in the space designated or, if not so designated, in the lower left-hand corner of Form H-12 (Assignment and Authorization for Payoff), immediately preceding the words "owner's signature".

(e) The transferor executing the Assignment of Ownership on an "Affidavit for Duplicate Certificate of Title" (form H-6B) shall record such mileage in the space designated or, if not so designated, in the space immediately following the date of such assignment.

(f) When the transferor is required to execute a "Report of sale of a non-titled motor vehicle" (form Q-1), he shall record such mileage in the space designated or, if not so designated, in the space immediately above his acknowledgment.

(g) A dealer executing the "Certification by Connecticut Licensed Dealer" on a certificate of title shall record such mileage in the space designated or, if not so designated, under the words "Dealer's License No.".

(h) Where a vehicle is transferred to a Connecticut licensed dealer through assignment of an out-of-state title the transferor shall record such mileage in any available space in the assignment section as close as is practical to the transferor's signature.

(Effective June 13, 1972)

Sec. 14-63-19. Recording mileage—dealer

On each order and invoice, the selling dealer shall record the mileage displayed on the odometer of such vehicle.

(Effective June 13, 1972)

Sec. 14-63-20. Repairing or replacing

No speedometer shall be repaired or replaced on any vehicle offered for sale by a dealer licensed under the provisions of section 14-52 if such repair or replacement reduces the mileage displayed on the odometer of such vehicle.

(Effective June 13, 1972)

Sec. 14 63-21. Operating motor vehicle

No dealer shall operate or cause to be operated any motor vehicle unless such vehicle is equipped with a properly functioning odometer.

(Effective June 13, 1972)

Retention Tanks for Waste Liquid Petroleum Products

Sec. 14-63-22. Definitions

For the purpose of sections 14-63-22 through 14-63-27 of these regulations "licensee" means a person licensed or an applicant for a license as a motor vehicle

dealer, motor vehicle repairer, motor vehicle limited repairer, gasoline dealer or motor vehicle junkyard operator under the provisions of section 14-52, 14-319 or 21-16 of the general statutes. ''Retention tank'' means a leak-proof tank with a minimum capacity of 250 gallons designed and used for the retention of waste liquid petroleum products. ''Waste liquid petroleum products'' includes but is not limited to drain oil, solvents and motor vehicle fuels no longer suitable or intended for use in or on motor vehicles.

(Effective June 20, 1972)

Sec. 14-63-23. Issuance of license

Effective July 1, 1974, no licensee shall be issued a license or have his license renewed unless his location is equipped with a retention tank.

(Effective June 20, 1972)

Sec. 14-63-24. Certification

Effective July 1, 1974, no application by a licensee for renewal of a license shall be approved unless it is accompanied by certification by the applicant that the location specified in the application is equipped with a retention tank.

(Effective June 20, 1972)

Sec. 14-63-25. Disposal of waste

No licensee shall dispose of any waste liquid petroleum products other than into a retention tank.

(Effective June 20, 1972)

Sec. 14-63-26. Permit

No licensee shall dispose of the contents of any retention tank to any person unless he furnishes evidence satisfactory to the commissioner that such person holds a currently valid waste oil collector permit issued by the commissioner of environmental protection.

(Effective June 20, 1972)

Sec. 14-63-27. Exemptions

The commissioner of motor vehicles may grant an exemption to compliance with sections 14-63-22 through 14-63-26 of these regulations when the nature of the business conducted by a licensee does not in the opinion of the commissioner require such facilities for the protection of the environment.

(Effective June 20, 1972)

Issuance of Motor Vehicle Registration by Licensed Dealers

Sec. 14-63-28. Dealer qualifications

No licensed motor vehicle or motorcycle dealer shall be authorized by the commissioner to issue passenger motor vehicle or motorcycle registrations pursuant to the provisions of subsection (c) of section 14-12 of the general statutes until such dealer has satisfied the commissioner that he meets the following requirements:

(a) Such dealer has not had his Connecticut dealer's license suspended pursuant to section 14-64 of the general statutes within one year of the date of the submission of his application for authorization to issue such registrations.

(b) That his application for authorization to issue such registrations is accompanied by a surety bond in such form as the commissioner shall prescribe in the amount of five thousand dollars conditioned on the faithful performance by the

applicant of his duties in connection with the issuance of new registrations for passenger motor vehicles or motorcycles, such bond to be held by the commissioner to satisfy any loss suffered by his department through any action, malfeasance or failure to act on the part of such applicant.

(Effective April 18, 1986)

Sec. 14-63-29. Automatic revocation

The forfeiture of any bond under the provisions of subsection (b) of section 14-63-28 or the suspension or revocation of any dealer's license pursuant to section 14-64 of the general statutes shall result in the automatic revocation of any authorization to issue new registrations for passenger motor vehicles or motorcycles granted under the authority of subsection (c) of section 14-12 and all forms, plates and other materials on hand shall be immediately returned to the department.

(Effective April 18, 1986)

Sec. 14-63-30. Inspection

No registration shall be issued to a used passenger motor vehicle or motorcycle as provided in subsection (c) of section 14-12 of the general statutes when such used motor vehicle or motorcycle has not been previously registered in this state until the inspection requirements of subsection (g) of section 14-12 have been complied with; if such motor vehicle or motorcycle is ten or more years old, until the inspection requirements of section 14-16a have been complied with or if such motor vehicle or motorcycle has been totalled pursuant to section 14-16c, until the inspection requirements of that section have been complied with.

(Effective April 18, 1986)

Sec. 14-63-31. Vehicles not to be registered

No registration shall be issued pursuant to subsection (c) of section 14-12 of the general statutes to any motor vehicle or motorcycle sold to a minor, except in accordance with the provisions of section 14-14 of the General Statutes, or to a person, firm or corporation engaged in the business of leasing or renting motor vehicles without drivers in this state, except after presenting evidence of insurance coverage required by section 14-15 of the General Statutes.

(Effective March 24, 1995)

Sec. 14-63-32. Submission of registration application

Each dealer issuing a registration for a passenger motor vehicle or motorcycle pursuant to the provisions of subsection (c) of section 14-12 shall within five days of the issuance by him of such registration submit to the commissioner an application together with all necessary documents and fees required for the registration and title of such passenger motor vehicle or motorcycle.

(Effective April 18, 1986)

Sec. 14-63-33. Suspension or revocation

In addition to the penalties prescribed by section 14-64, the commissioner may suspend or revoke the authorization to issue registrations pursuant to subsection (c) of section 14-12 when after notice and an opportunity to be heard as provided by the Uniform Administrative Procedures Act as set forth in sections 4-177 through 4-183 of the general statutes it is established to the commissioner's satisfaction that such dealer has violated a provision of these regulations, subsection (c) of section

14-12 of the general statutes or of any other regulation or statute relating to the conduct of his business as a motor vehicle dealer.
(Effective April 18, 1986)

Fees to be Charged by Wrecker Services for Storage and Release of Stored Motor Vehicles

Standards for Rates for Nonconsensual Towing or Transporting

Sec. 14-63-34. Wrecker service defined: Definitions

(a) As used in sections 14-63-35 to 14-63-37b, inclusive, of the Regulations of Connecticut State Agencies, the term ''wrecker service'' means any person, firm or corporation operating one or more motor vehicle wreckers, as defined in section 14-1(a) (91) of the General Statutes, pursuant to section 14-66 of the General Statutes.

(b) As used in sections 14-63-35 to 14-63-37b, inclusive, of the Regulations of Connecticut State Agencies, the term ''nonconsensual towing or transporting'' means the nonconsensual towing or transporting of a motor vehicle in accordance with the provisions of section 14-145 or for which arrangements are made by order of a law enforcement officer or traffic authority, as defined in section 14-297.
(Effective May 31, 1974; amended September 30, 1998)

Sec. 14-63-35. Filing of certain information

Each wrecker service shall file with the commissioner certain information pertaining to the operation of its business, as follows:

(a) Name of licensee, number of license, address of business, and registration numbers of all registered wreckers.

(b) **Hours of operation.** The hours during which the wrecker service is open for business, including the hours during which a wrecker service holding and/or storing a motor vehicle will release said motor vehicle to its owner or person legally entitled to custody of such motor vehicle. During the hours specified any stored motor vehicle when properly claimed shall be immediately released to the person claiming the motor vehicle.

(c) A description of security measures maintained during and after business hours to safeguard stored motor vehicles.

(d) The following information shall be furnished with respect to the outside storage of motor vehicles:

1. Number of vehicles which can be stored;
2. Address of such storage area if different from licensed location;
3. IF the storage area is fenced, what type of fence.

(e) The following shall be furnished if the motor vehicles are stored indoors:

1. Address of storage area if different from that of licensed location;
2. Type of construction of building in which motor vehicles are stored;
3. Number of motor vehicles which can be stored within the storage area;
4. Type of heating system, if any;
5. Type of fire prevention system or devices (sprinkler system, extinguishers, etc.);
6. Type of security alarm system or security devices;
7. Maximum rates to be charged for each twenty-four hours of inside storage for the following classes of motor vehicles:

a. Motor vehicles not in excess of twenty feet in length
b. Motor vehicles over twenty feet but not in excess of thirty-two feet in length
c. Motor vehicles in excess of thirty-two feet in length
(Effective October 3, 1989; amended September 30, 1998)

Sec. 14-63-36. Computation of storage charges

For the purpose of determining whether any charges may be made and for computing storage charges the period of storage shall commence when the motor vehicle is deposited within the storage area and shall not include the period during which the motor vehicle was being towed unless no charge is made for the towing service. The following shall apply with respect to the fees to be charged for motor vehicle storage:

(a) No charge shall be made for the first eight hours of storage if a towing charge was made in connection with the deposit of the motor vehicle within the storage area. Where a motor vehicle is in storage for a period in excess of eight hours, storage charges may be made from the time the motor vehicle was deposited in the storage area and may include the original eight hours of storage.

(b) All storage fees shall be based on the fee charged for twenty-four hours of storage of a motor vehicle. The fee charged for one to twelve hours of storage shall not exceed one-half of the amount on file with the commissioner for twenty-four hours of motor vehicle storage. The fee for any period of storage in excess of twelve hours but not exceeding twenty-four hours shall not exceed that on file with the commissioner for twenty-four hours of storage.

(c) Each wrecker service following approval of its charges for motor vehicle storage by the commissioner shall post its maximum charges for motor vehicle storage in a conspicuous location on its premises. All letters and numbers appearing on such posting shall have a minimum height of one inch.

(Effective May 31, 1974)

Sec. 14-63-36a. Approved rates and charges

The commissioner shall publish a list of uniform rates and charges for the nonconsensual towing and transporting of motor vehicles, and for storage of motor vehicles, which he has determined to be just and reasonable. The commissioner may consider factors such as rates set by other jurisdictions, towing services provided by contract with automobile clubs and associations, operating costs of the towing and recovery industry in Connecticut, single source contracts resulting from competitive bids on behalf of municipalities and business entities, and rates published in standard service manuals. Such list of rates and charges shall be distributed to each licensed wrecker service, and to other interested parties, upon request. Such rates and charges shall be the maximum rates and charges that the commissioner shall permit for the nonconsensual towing and transporting of motor vehicles, and for storage of motor vehicles, in accordance with subsection (a) of section 14-66 of the general statutes and sections 14-63-36b and 14-63-36c.

(Effective September 30, 1998)

Sec. 14-63-36b. Definitions

In sections 14-63-36b and 14-63-36c, the following words shall have the following meanings:

(1) "G.V.W.R." means the gross vehicle weight rating.

(2) "Tow charge" means the maximum amount determined by the commissioner that a licensed wrecker service may charge the owner or operator of a motor vehicle, or a property owner or lessee, for nonconsensual towing or transporting of a motor vehicle having a G.V.W.R. less than ten thousand (10,000) pounds. Except as otherwise specifically provided, the tow charge shall include:

(A) Nonconsensual towing or transporting of a motor vehicle for a maximum of two (2) miles. Additional mileage may be charged at the mileage fee provided in subdivision (6) of this section;

(B) Up to fifteen (15) minutes waiting time at the site of the nonconsensual towing or transporting. Additional waiting time may be charged as provided in subdivision (8) of this section;

(C) All services necessary to clean up the site of the nonconsensual towing or transporting as hereinafter defined in subdivision (3) of this section;

(D) All services necessary to prepare the vehicle for the nonconsensual towing or transporting as hereinafter defined in subdivision (7) of this section;

(E) All services necessary for the removal, installation or reinstallation of any movables, including loose or separated vehicle parts, required to perform the nonconsensual towing or transporting;

(F) All services necessary for the cleaning of any equipment used to perform the nonconsensual towing or transporting; and

(G) Release of the vehicle to the owner or person otherwise entitled to possession of the vehicle upon presentation of appropriate credentials.

(3) ''Clean up'' means the services and time reasonably necessary to restore the site of the nonconsensual towing or transporting to its original condition, or restoration of the site as directed by order of a police official.

(4) ''Exceptional services'' means the use of special equipment such as cutting torches, air compressors and other equipment not generally required for nonconsensual towing or transporting services, at the scene of an accident.

(5) ''Hourly rate'' means the maximum hourly rate determined by the commissioner that may be charged for the nonconsensual towing or transporting and recovery of a motor vehicle with a G.V.W.R. of ten thousand (10,000) pounds or more. Such rate shall not include exceptional services provided by one or more licensed wrecker services.

(6) ''Mileage fee'' means the charge per loaded mile in excess of two (2) miles, determined by the commissioner, permitted in addition to the tow charge, for the nonconsensual towing or transporting of a motor vehicle. Where an hourly rate is charged, for a G.V.W.R. of ten thousand (10,000) pounds or more, a mileage fee shall not be permitted.

(7) ''Preparation for tow'' means all services necessary to prepare a motor vehicle for nonconsensual towing or transporting including but not limited to unlocking a vehicle, releasing the brakes, disengaging a transmission and unlocking the steering wheel, but shall not include winching, uprighting an overturned motor vehicle or a similar function, securing cargo, or waiting time beyond fifteen (15) minutes. If an hourly rate is used instead of a tow charge, preparation for tow shall include vehicle recovery as defined in subdivision (8) of this section.

(8) ''Recovery'' means winching and other similar functions, performed by a licensed wrecker and necessary to return a motor vehicle to a position where the nonconsensual towing or transporting may be initiated.

(9) ''Waiting time'' means any time spent at the site by a wrecker or transporter summoned to the site, where the wrecker service is prevented from accomplishing any portion of the nonconsensual towing or transporting procedure by order of police or other legal authority. Waiting time beyond the first fifteen (15) minutes shall be invoiced in increments of fifteen (15) minutes, and based on an hourly rate.

(10) ''Extra person'' means the use of an additional person where necessary to perform a nonconsensual tow or transport, except that there shall be no charge for an extra person where the nonconsensual towing or transporting results from the unauthorized presence of a vehicle on private property, or where the vehicle is removed by order of the traffic authority of any city, town or borough as provided

in section 14-307 of the general statutes, or where the vehicle is mechanically disabled from a cause other than an accident.

(Effective September 30, 1998)

Sec. 14-63-36c. Permitted charges

(a) Except as otherwise provided in subsection (c) of this section, a licensed wrecker service shall not charge the owner or operator of a motor vehicle, having a G.V.W.R. less than ten thousand (10,000) pounds, for nonconsensual towing or transporting services as defined in section 14-63-34, any fees which are in excess of the tow charge.

(b) Except as otherwise provided in subsection (c) of this section, a licensed wrecker service shall not charge the owner or operator of a motor vehicle, having a G.V.W.R. of ten thousand (10,000) pounds or more, for nonconsensual towing or transporting services as defined in section 14-63-34, any fees in excess of the fees computed on the basis of the hourly rate published by the commissioner.

(c) A licensed wrecker service may charge additional fees for exceptional services, and for services not included in the tow charge or hourly rate, which are reasonable and necessary for the nonconsensual towing or transporting of a motor vehicle. Any such additional fees shall be itemized in accordance with the hourly charge for labor posted by the licensed towing service, as required by the provisions of section 14-65j-3 of the Regulations of Connecticut State Agencies. Such additional fees shall be itemized separately, and the towing service shall maintain accurate records which explain such additional services. The commissioner may require the wrecking service to justify such additional fees. A copy of each towing bill or invoice containing the information required pursuant to section 14-66b of the general statutes shall be given to the customer upon payment of the bill.

(d) A licensed wrecker service shall not charge additional fees for nonconsensual towing or transporting services dispatched at night, or on a weekend or holiday.

(e) No additional fee shall be charged by a licensed wrecker service for releasing a vehicle to its owner or a person legally entitled to its custody.

(f) No additional fee shall be charged by a licensed wrecker service for permitting emergency access to a stored motor vehicle, as provided in Section 14-63-37b of the Regulations of Connecticut State Agencies.

(g) For motor vehicles with a G.V.W.R. of ten thousand (10,000) pounds or more, the minimum charge shall be the hourly rate for one hour, with additional time required to accomplish the nonconsensual towing or transporting and recovery being billed in increments of no more than fifteen (15) minutes, based on the hourly rate.

(Effective September 30, 1998)

Sec. 14-63-37. Filing date

Repealed, October 3, 1989.

Sec. 14-63-37a. Release of towed vehicles

(a) If a wrecker service performs towing for compensation outside its hours of operation as filed with the commissioner pursuant to Section 14-63-35 (b) of the Regulations of Connecticut State Agencies, or contracts to perform towing for compensation outside its hours of operation, or advertises to the public that it is available to perform towing for compensation outside its hours of operation, the wrecker service shall permit the owner or person legally entitled to custody of a motor vehicle to claim a stored motor vehicle at any time including times outside its hours of operation. The wrecker service shall release the vehicle to the owner or person legally entitled to custody within a reasonable period of time after the

request for release. For the purpose of this subsection a person is deemed to have made a request for release of a stored motor vehicle by appearing in person at the principal place of business of the wrecker service or by placing a telephone call to the wrecker service at its published telephone number.

(b) An after hours release fee may be charged by a wrecker service for release of a motor vehicle after its hours of operation, as defined in Section 14-63-35 (b), in an amount filed with and approved by the commissioner, provided however that in the event a wrecker service is open after its hours of operation and has a regularly scheduled employee on the premises with authority to release a motor vehicle, no after hour release fee shall be charged.

(Effective October 3, 1989)

Sec. 14-63-37b. Emergency access to stored vehicles

(a) Where a wrecker service has in storage or in its custody a towed motor vehicle, and where the motor vehicle contains personal property which is essential to the health or welfare of any person, the wrecker service shall permit the owner or person entitled to custody of such vehicle, or his authorized designee, to have access to the vehicle and remove therefrom the essential personal property.

(b) Access to such vehicle shall be requested by placing a telephone call to the wrecker service at its published telephone number, and such access shall be permitted by the wrecker service as soon as is practicable and within a reasonable time. A time agreed to by the parties for access to such vehicle shall be considered reasonable, except that in the absence of an agreement access to such vehicle shall be permitted by the wrecker service within a time not to exceed four hours from the time of the request.

(c) The wrecker service may require the person removing the personal property to sign a receipt for the property removed from the stored vehicle.

(d) This section shall not apply to vehicles which have been designated by a law enforcement officer to be secured pending a search warrant or other investigation.

(Effective May 1, 1990)

Records Required to be Maintained by Licensed Motor Vehicle Dealers and Repairers

Motor Vehicle Repair Shop Signs

Sec. 14-63-38. Records to be maintained - purchase

Each new or used car dealer licensed pursuant to section 14-52 of the General Statutes shall maintain at his licensed place of business for a period of two years after the purchase by such dealer of a motor vehicle the following records:

(a) The odometer mileage statement, required by Federal odometer requirement regulations;

(b) If such vehicle was purchased from a Connecticut licensed dealer, the order and invoice required by section 14-62 of the General Statutes;

(c) Any trip or transportation tickets or delivery documents or records received by the dealer at the time of purchase or delivery of the vehicle;

(d) Any and all documents or records which come into such dealer's possession relative to prior ownership, prior use, condition, prior registration or prior title of the vehicle which are not required by statute, regulation or the commissioner to accompany an application for title or registration for the vehicle and which are not so used.

(Effective January 8, 1981)

Sec. 14-63-39. Records to be maintained - sale

Each new or used car dealer licensed pursuant to section 14-52 of the General Statutes shall maintain at his licensed place of business for a period of two years after the sale by such dealer of a motor vehicle the following records:

(a) The odometer mileage statement required by Federal odometer requirement regulations;

(b) The order and invoice required by section 14-62 of the General Statutes;

(c) Any and all records and documents relative to preparation, pre-delivery or makeready procedures if such procedures are performed in the normal course of business or if such procedures are required or recommended by the manufacturer of the vehicle sold;

(d) A record of all inspections and repairs made on a vehicle while such vehicle is owned by or in the possession of such dealer;

(e) Any and all documents or records which come into such dealer's possession relative to prior ownership, prior use, condition, prior registration or prior title of the vehicle which are not required by statute, regulation or the commissioner to accompany an application for title or registration for the vehicle and which are not so used.

(Effective January 8, 1981)

Sec. 14-63-40. Records to be maintained - repair

Each new or used car dealer and repairer, including limited repairers, licensed pursuant to section 14-52 of the General Statutes shall maintain at his licensed place of business for a period of two years after the repair of a motor vehicle the following records:

(a) Any estimate prepared in regard to a repair done;

(b) The repair order specifying the repairs to be made and authorizing the same;

(c) The final bill for such repair;

(d) All bills, statements or reports received from other dealers, repairers or subcontractors in the course of or as a result of repairs to the vehicle or to major component parts thereof;

(e) All bills or statements of charges relative to purchase by the dealer or repairer of major component parts for use in the repair of such vehicle or in connection with such repair;

(f) Any appraisal received or made by the dealer or repairer relative to damage or repairs required to the vehicle.

(Effective January 8, 1981)

Sec. 14-63-41. Records to be maintained - special sales

Each new or used car dealer and repairer, including limited repairers, licensed pursuant to section 14-52 of the General Statutes who sells or otherwise disposes of a vehicle pursuant to section 14-150 or section 49-61 of the General Statutes shall maintain at his licensed place of business for a period of two years from the date of such sale or disposition the following records:

(a) All records and documents relative to placement of such vehicle for storage with the dealer or repairer or to establishment of an artificer's lien on such vehicle;

(b) Copies of all documents or reports sent or submitted to or received from the commissioner pursuant to such statutes;

(c) All correspondence or other written communications sent to or received from the owner of such vehicle, including mailing or return receipts for registered or certified mail directed to such owner;

(d) All advertisements published pursuant to such statutes;

(e) Statements, receipts or other records of monies received or paid out relative to such sale or disposition.

(Effective January 8, 1981)

Sec. 14-63-42. Availability of records

Each dealer or repairer required to maintain records pursuant to these regulations and to section 14-64 of the General Statutes shall have such records available for inspection at his licensed location by the commissioner or his representative during normal business hours and shall allow such inspection at any time during normal business hours upon written notice stating the purpose of such inspection.

(Effective January 8, 1981)

Sec. 14-63-43. Nature of records to be maintained

Each dealer or repairer required to maintain records pursuant to these regulations and to section 14-64 of the General Statutes shall maintain records as follows:

(a) The original of any and all records or documents made or received by such dealer or repairer when such original is not required by statute, regulation, or business custom to be disbursed to another party;

(b) A carbon copy or exact copy by mechanical means shall be retained when the original is not retained by the dealer or repairer as provided in subsection (a) of this regulation, provided that any such copy shall have legibly reproduced thereon all information and entries contained on such original and shall not have been altered in any material respect subsequent to the execution, receipt or making of such original.

(Effective January 8, 1981)

Motor Vehicle Repair Shop Signs

Sec. 14-63-44.

Repealed, November 26, 1980.

Complaints Against and Stipulations by Motor Vehicle Dealers and Repairers

Sec. 14-63-45.

Repealed, December 2, 2009.

Sec. 14-63-45a. Definitions

As used in section 14-63-45a to section 14-63-45e, inclusive, of the Regulations of Connecticut State Agencies:

1. ''Commissioner'' means the commissioner of the department of motor vehicles;

2. ''Department'' means the department of motor vehicles;

3. ''Division'' means the unit within the department of motor vehicles that is designated by the commissioner to administer complaints against licensees;

4. ''Investigator'' means the person designated to investigate a consumer complaint; and

5. ''Licensee'' means the holder of a dealer or repairer license issued by the department of motor vehicles, dealers and repairers division.

(Adopted effective December 2, 2009)

Sec. 14-63-45b. Procedure for filing customer complaints

The following procedures shall be utilized by the division to receive and process complaints from customers of licensees, concerning the operations of and services provided by any such licensees:

1. Each complaint shall be in writing in a form provided by or acceptable to the commissioner;

2. The complaint shall be a plain statement of the facts that form the basis of the claim against the licensee;

3. The complaint shall include the licensee's name, the customer's name and address, the date or dates on which the transaction or transactions with the licensee occurred, and if applicable, the description of any vehicle or vehicles that are the subject of a complaint;

4. The complaint shall be accompanied by all supporting material that pertains to the claim, including but not limited to invoices, repair orders and evidence of payment;

5. The division may request additional materials, which shall be provided by the customer if available; and

6. The complaint and supporting material shall be filed with the Department of Motor Vehicles, Dealers and Repairers Complaints, 60 State Street, Wethersfield, CT 06161.

(Adopted effective December 2, 2009)

Sec. 14-63-45c. Procedure upon receipt of customer complaint

(a) Within fourteen (14) days of receipt of a customer complaint, a person within the division, as designated, shall notify the customer and the licensee in writing that the complaint was received, and that it shall be subject to further review.

(b) Within thirty (30) days of receiving a customer complaint, it shall be reviewed by a person designated. The review shall consist of:

1. A determination of whether the complaint is complete and all relevant documents are attached; and

2. A determination of whether the complaint states facts which if true, give rise to one or more violations of sections 14-51 through 14-66b, inclusive, of the Connecticut General Statutes, the regulations adopted thereunder, or both.

(c) In the event that the complaint is incomplete, the person designated to review the complaint shall state in writing what deficiencies exist in the complaint, and notify the customer by mail. The customer shall have thirty (30) days to correct the deficiencies noted. At his or her discretion, the person designated to review the complaint may permit the customer additional time to submit materials, provided the customer has contacted the division within the original time period allotted to correct deficiencies. In the event that the deficiencies are not corrected within the specified time period or any extension of that time period, no action shall be taken on the complaint, the complaint file shall be closed, and the customer and the licensee shall be so notified in writing.

(d) In the event that the complaint does not state facts that give rise to a violation of sections 14-51 though 14-66b, inclusive, of the Connecticut General Statutes, the regulations adopted thereunder, or both, the person designated to review the complaint shall notify the customer and the licensee in writing that the department does not have jurisdiction over the matter, and shall not proceed with the complaint.

(e) If after review it is determined that a complaint is complete and states one or more violations of sections 14-51 through 14-66b, inclusive, of the Connecticut General Statutes, the regulations adopted thereunder, or both, the person designated

to review the complaint shall notify the customer and the licensee in writing. The written notification shall relate the particular matters involved in the complaint, and shall inform the licensee that it must file with the division a written response to the matters alleged in the complaint within thirty (30) days of the date of the written notification. If the licensee fails to respond within the thirty (30) day period, the division shall send one additional notice to the licensee stating that failure to respond within a ten (10) day period from the date of the letter may result in an action against its license.

(f) Upon receipt of the licensee's response, the person designated to review the complaint shall:

1. Recommend that a resolution of the complaint be attempted through voluntary mediation;

2. Recommend that the complaint proceed directly to an investigation; or

3. Determine that no action is to be taken, and indicate the reason for that determination.

(Adopted effective December 2, 2009)

Sec. 14-63-45d. Mediation

(a) After a determination that a complaint should proceed to mediation, a person designated as a mediator shall contact the customer and the licensee for the purpose of achieving a resolution of the complaint that is acceptable to both parties.

(b) In order to resolve a complaint, the mediator may:

1. Facilitate entry by the licensee into a stipulated agreement, settlement agreement or consent order, which may include civil penalties, customer restitution or both;

2. Dismiss the complaint for lack of jurisdiction or insufficient evidence;

3. Determine that the department should take no further action on the complaint, stating the reason for that decision; or

4. Determine that a complaint should proceed to investigation.

(c) If at any time either the customer or the licensee chooses not to participate in voluntary mediation, the complaint shall proceed directly to an investigation unless the mediator determines that the complaint should be dismissed or no action should be taken.

(d) If the complaint is resolved through voluntary mediation, the licensee shall waive its right to an administrative hearing under Chapter 54 of the Connecticut General Statutes.

(Adopted effective December 2, 2009)

Sec. 14-63-45e. Investigation of customer complaints

The following procedure shall be utilized by the Division when it has been determined by a person designated pursuant to the provisions of sections 14-63-45b through 14-63-45d, inclusive, of the Regulations of Connecticut State Agencies that a customer complaint should proceed to an investigation:

1. An investigator shall be assigned to investigate the complaint;

2. The investigator shall notify the licensee and the customer in writing that the complaint shall be investigated;

3. If after investigation it is determined that the facts do not give rise to a violation under sections 14-51 through 14-66b, inclusive, of the Connecticut General Statutes, the regulations adopted thereunder, or both, the division shall notify the licensee and the customer in writing that the department does not have jurisdiction over the complaint and no further action shall be taken;

4. If after investigation it is determined for any reason that no further action will be taken by the department, the division shall notify the licensee and the customer in writing stating the reason for the decision not to proceed;

5. Practice as set forth in sections 14-137-36 through 14-137-39, inclusive, of the Regulations of Connecticut State Agencies, regardless of whether the matter has or has not been settled between the customer and the licensee; and

6. If the licensee enters into a stipulated agreement, settlement agreement or consent order, and fails to comply with the terms thereof, the licensee's license shall be suspended in accordance with the terms of the stipulated agreement, settlement agreement or consent order.

(Adopted effective December 2, 2009)

Sec. 14-63-46.

Repealed, December 2, 2009.

Evidence of Disclosure of a Lien by a Dealer to a Purchaser of a Used Motor Vehicle

Sec. 14-63-47. Disclosure of security interest

As used in Sections 14-63-47 through 14-63-49, the term "lien" refers to any security interest, lien or other encumbrance on the title to a motor vehicle, duly recorded and shown on the certificate of title, in accordance with Sections 14-165 through 14-195 of the Connecticut General Statutes, as amended. If a licensed dealer has in its possession a used motor vehicle showing on its title the existence of any lien, such dealer shall, prior to sale of such vehicle to a purchaser for value, fully disclose the existence of such lien to the purchaser.

(Effective July 25, 1994)

Sec. 14-63-48. Warranty of lien disclosure by dealer

A licensed dealer which issues a temporary registration or transfer, as authorized by Sections 14-12 (c) and 14-61 of the Connecticut General Statutes, and which presents to the Department of Motor Vehicles an application for a permanent registration and title document on behalf of a purchaser for value of a used motor vehicle, shall be deemed to warrant to the commissioner that it has fully disclosed all liens on such used vehicle sold to such purchaser.

(Effective July 25, 1994)

Sec. 14-63-49. Prohibition on use of dealer plates

A licensed dealer who sells a used motor vehicle to a purchaser for value shall not permit use of its dealer's plates, issued in accordance with the provisions of Sections 14-58 and 14-59 of the general statutes, by such purchaser on such vehicle, except in the following circumstances:

(a) Where all liens have been satisfied, discharged and released and such use of a dealer's plate is otherwise authorized by Section 14-63-15 of the Regulations of Connecticut State Agencies; or

(b) Where the purchaser is a licensed Connecticut dealer, or a firm licensed by another state to sell or trade motor vehicles.

(Effective July 25, 1994)

Requirement for Typewritten or Computer Printed Applications Submitted by Motor Vehicle Dealers

Sec. 14-63-50. Requirement for typewritten or computer printed applications submitted by motor vehicle dealers

Each motor vehicle dealer authorized to issue new registrations, transfer registrations, or both, in accordance with the provisions of subsection (c) of section 14-12 and section 14-61 of the Connecticut General Statutes, and who thereafter transmits the application to the Dealer Processing Unit within the Department of Motor Vehicles for processing, shall complete or cause to be completed the official application for registration and title (DMV Form H-13) by the use of a typewriter, electronic or impact printer, or similar device. The department shall no longer accept handwritten applications for registration and title in its Dealer Processing Unit unless it determines, in its sole discretion, that there are extenuating circumstances that warrant an exception.

(Adopted effective July 30, 1999)