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Lien on Motor Vehicles Abandoned at Self-Service Storage Facilities

Sec. 42-160-1. Definitions

As used in Sections 42-160-1 through 42-160-6, inclusive, the following words and phrases shall have the following meanings:

"Commissioner" means the Commissioner of Motor Vehicles;

"Default" means failure to perform any obligation or duty imposed by a rental agreement or by chapter 743 of the Connecticut General Statutes;

"Department" means the Department of Motor Vehicles;

"Lienholder" means a person holding a security interest in a motor vehicle that has been recorded in the title records of the department;

"Motor vehicle owner" means the person or persons named on a motor vehicle certificate of title and any registration documents;

"Occupant" means a person, or the sublessee, successor, or assignee of a person, entitled to the use of a storage unit at a self-service storage facility under a rental agreement, to the exclusion of others;

"Owner" means the owner, operator, lessor or sublessor of a self-service storage facility, such owner's agent, or any other person authorized by such owner to manage the self-service facility or to receive rent from an occupant under a rental agreement;

"Rental agreement" means any written agreement or lease that establishes or modifies the terms, conditions, rules or any other provisions concerning the use and occupancy of a unit in a self-service storage facility;

"Self-service storage facility" means any real property designed and used for the renting or leasing of individual self-contained units of storage space to occupants who are to have access to such units for storing and removing personal property only, and not for residential purposes;

"VIN" means the vehicle identification number of a motor vehicle.

(Adopted effective November 30, 2010)

Sec. 42-160-2. Registration of self-storage facility

In order to dispose of any motor vehicle abandoned at a self- service storage facility, the owner shall comply with chapter 743 of the Connecticut General Statutes and all procedures set forth in sections 42-160-1 through 42-160-6 of the Regulations of Connecticut State Agencies. Prior to the sale or other disposition of a motor vehicle or motor vehicles under chapter 743 of the Connecticut General Statutes and sections 42-160-1 through 42-160-6 of the Regulations of Connecticut State Agencies, the owner shall be required to register with the commissioner by submitting such information pertaining to the self-storage facility as the commissioner requests, including but not limited to a copy of the rental agreement used by the owner for the use and occupancy of a unit or units in the self-storage facility. Such information shall be provided on a form approved by the commissioner and shall be kept in the records of the department. The owner shall notify the commissioner within ten (10) days of any change in the information submitted to the department under this section. Upon successfully registering with the department, the owner shall be assigned an identifying number.

(Adopted effective November 30, 2010)

Sec. 42-160-3. Preliminary requirements for sale or other disposition of a motor vehicle

(a) Upon registering with the commissioner and prior to disposing of a motor vehicle or motor vehicles under the provisions of chapter 743 of the Connecticut

General Statutes, the owner shall contact the department in the manner prescribed by the commissioner for the purpose of determining the name and address of such motor vehicle owner or owners, and the name and address of any lienholder or lienholders that are reflected in the records of the department. When contacting the department, the owner shall be required to provide:

(1) The owner's identifying number;

(2) The make and model of each motor vehicle and the VIN that appears on each motor vehicle;

(3) If number plates are on or in a motor vehicle, any registration number that appears on such number plates or any registration number that appears on a registration certificate if such certificate is available to the owner.

(b) When the owner provides the department with the information specified in subsection (a) of this section, the department shall provide the name and address of each motor vehicle owner and lienholder reflected in its records for each motor vehicle for which a VIN is provided by the owner. If the department has no motor vehicle owner or lienholder information on file for any vehicle or vehicles for which the owner has provided a VIN, such motor vehicle or motor vehicles shall not be disposed of under the procedures specified in chapter 743 of the Connecticut General Statutes and sections 42-160-1 through 42-160-6 of the Regulations of Connecticut State Agencies.

(Adopted effective November 30, 2010)

Sec. 42-160-4. Notice to occupant, motor vehicle owner and lienholder

Within ten (10) days after the receipt from the department of the information pertaining to the motor vehicle owner or owners and the lienholder or lienholders, the owner shall send a written notice to each motor vehicle owner and to each lienholder. The notice shall contain the owner's contact information, shall be sent by postage paid registered or certified mail, return receipt requested, and shall contain the following: (1) the make, model and VIN of the motor vehicle; (2) the date of default by the occupant; (3) the amount that the occupant owes under the rental agreement; (4) a statement that the motor vehicle has a lien attached under chapter 743 of the Connecticut General Statutes as a result of the default of the occupant; (5) a statement that the owner intends to sell the motor vehicle to satisfy the lien. If the motor vehicle owner is the occupant of the self-storage unit, the contents of the notice shall also include the items enumerated in section 42-162 of the Connecticut General Statutes.

(Adopted effective November 30, 2010)

Sec. 42-160-5. Filing of notice of intent to transfer with the commissioner

(a) After sixty (60) days from the date of default by the occupant, the owner shall file with the department on a form approved by the commissioner a notice of intent to transfer title for each motor vehicle upon which the owner claims a lien under chapter 743 of the Connecticut General Statutes and for which the owner has sent the notice required in section 42-160-4 of the Regulations of Connecticut State Agencies. The notice of intent to transfer shall contain the following: (1) the make, model and VIN of such motor vehicle; (2) the date such motor vehicle was left with the owner of such storage facility; (3) the date of default by the occupant; (4) the amount for which a lien is claimed; (5) the registration thereof if any number plates are on or in the motor vehicle; and (6) the name of the motor vehicle owner and the name of the occupant who defaulted. Each notice of intent to transfer shall be accompanied by the defaulting occupant's signed rental agreement and such

other documents as the commissioner may require as evidence of the owner's lien, including the notice or notices to the occupant, motor vehicle owner if not the occupant and lienholder or lienholders sent in accordance with section 42-160-4 of the Regulations of Connecticut State Agencies. A fee of five dollars ($5.00) shall be payable to the department for each notice of intent to transfer that the owner files.

(b) Each motor vehicle for which the department receives a notice of intent to transfer title under subsection (a) of this section shall be subject to such checks of its VIN as the commissioner may require. If any check of the VIN reveals that a motor vehicle that is subject to transfer has been reported as stolen, the commissioner shall immediately notify the owner, and the owner shall not dispose of the motor vehicle under the procedures specified in chapter 743 of the Connecticut General Statutes.

(c) The commissioner shall notify the owner whether the requirements of subsections (a) and (b) of this section have been met for each motor vehicle that the owner intends to transfer. Notice from the department that the owner has not met the requirements in such subsections for any motor vehicle shall result in the department's refusal to issue title in the event of a transfer of such motor vehicle.

(Adopted effective November 30, 2010)

Sec. 42-160-6. Sale or other disposition of motor vehicles

(a) In order to satisfy the owner's lien on a motor vehicle that has been approved for transfer under subsection (c) of section 42-160-5 of the Regulations of Connecticut State Agencies, the owner may sell such motor vehicle at a public sale or other disposition. The owner shall first allocate the proceeds to pay the expenses of such sale or other disposition, and then to satisfy any lien or liens that are recorded on the title records of the department. Subsequently, the owner may satisfy its lien from the remaining proceeds of the sale or other disposition and shall hold the balance, if any, for delivery on demand to the motor vehicle owner and then the occupant.

(b) For each motor vehicle that is to be sold under subsection (a) of this section, the owner shall publish an advertisement or notice of the date, time and place of the public sale or other disposition of such motor vehicle in a newspaper of substantial circulation in or near the municipality where the self-service storage facility is located. Such advertisement or notice shall be published at least twice within a period not less than ten (10) days preceding the date of such sale or other disposition. The notice or advertisement shall include: (1) A description of the motor vehicle that is subject to the owner's lien; (2) the name of the occupant, the address of the self-service storage facility and the unit number, if any, of the storage space where the motor vehicle is located; and (3) the date, time, place and manner of the sale or other disposition.

(c) The owner shall send a copy of the advertisement or notice of sale or other disposition described in subsection (b) of this section to the motor vehicle owner or owners and the lienholder or lienholders, at their addresses of record, by postage paid registered or certified mail, return receipt requested.

(d) At any time prior to the sale or other disposition of a motor vehicle subject to the owner's lien the lienholder or motor vehicle owner may pay the amount necessary to satisfy the owner's lien, along with reasonable expenses incurred in preparation for the sale or other disposition of the motor vehicle, and redeem the motor vehicle.

(e) The owner shall provide to the purchaser of a motor vehicle sold under this section proof that notice of the sale or other disposition was published in accordance

with subsection (b) of this section and that notice of the sale or other disposition was sent to the motor vehicle owner or owners and the lienholder or lienholders in accordance with subsection (c) of this section. Proof of publication documents from the newspaper in which the advertisements or notices are published shall satisfy the requirements for subsection (b) of this section, and copies of notices and registered or certified mail receipts to the motor vehicle owner or owners and the lienholder or lienholders shall satisfy the requirements of subsection (c) of this section.

(f) The owner shall provide the purchaser of a motor vehicle sold under this section with a bill of sale or other disposition.

(g) The owner shall provide the purchaser of a motor vehicle sold under this section with an affidavit, on a form approved by the commissioner, in which the owner provides such information as the commissioner may require regarding the sale or other disposition of the vehicle, and attests that the owner has satisfied any lienholder or lienholders that appeared on the title records of the department for such motor vehicle.

(Adopted effective November 30, 2010)