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## **Notice Required to Owners and Lienholders of Motor Vehicles Upon Towing by Police or Traffic Authority and Upon Sale or Other Disposition of Motor Vehicles**

### **Sec. 14-307-1. Definitions**

As used in Sections 14-307-1 to 14-307-8, inclusive, the following words and phrases shall have the following meanings:

- (1) "Commissioner" means the Commissioner of Motor Vehicles or his designee;
- (2) "DMV" means the Department of Motor Vehicles;
- (3) "Market value" means the average trade-in value, appearing in the current month's issue of the N.A.D.A. Official Used Car Guide, Eastern Edition;
- (4) "Motor vehicle" or "vehicle" means a motor vehicle as defined in section 14-1 of the general statutes;
- (5) "Police officer" means any officer attached to an organized police department or a member of the Division of State Police within the Department of Public Safety;
- (6) "Storage facility" means a registered place of storage for motor vehicles for which a schedule of storage charges has been filed by a tower, in accordance with section 14-66 of the general statutes;
- (7) "Tower" means a person, firm or corporation licensed as a dealer or repairer and engaged in the business of towing or transporting motor vehicles for compensation, as provided in accordance with section 14-66 of the general statutes.

(Adopted, effective October 8, 1997)

### **Sec. 14-307-2. Notice to owner and lienholders upon nonconsensual tow**

(a) If a motor vehicle is towed by order of a police officer or traffic authority, the state or municipal agency employing such police officer or such traffic authority, or the designee of such agency or authority, as permitted by statute, shall notify the owner and all lienholders of record in the manner provided by subsection (b) of this section.

(b) The agency or authority shall complete the designated portions of DMV Form, "Motor Vehicle Notice of Tow" and mail a copy of said form by certified mail, return receipt requested to the owner and all lienholders of record not more than forty-eight (48) hours from the time of the tow. Such form shall be mailed to the most current address or addresses shown on the records of DMV. Such notice shall include all the information contained in subdivisions (1) to (4), inclusive, of subsection (e) of section 14-150 of the general statutes. The DMV shall, upon request by a licensed tower or storage facility made by telephone or telecommunications system, immediately provide to such tower or storage facility such registration and/or title information contained in its records pertaining to any towed motor vehicle as may be necessary for completing DMV Form "Motor Vehicle Notice of Tow" and providing notice of a tow to the owner and all lienholders of record. The tower or storage facility shall maintain in its files a record of each such request, including the date of the request and the information given by the tower or storage facility to the DMV in making such request.

(c) This section shall not be construed to require a police agency, traffic authority or tower to notify the owner and all lienholders of record in any case where the owner or other, duly authorized person has claimed the motor vehicle, or made satisfactory arrangements to claim the vehicle, within forty-eight (48) hours of the time of tow.

(Adopted, effective October 8, 1997)

**Sec. 14-307-3. Opportunity for hearing**

An opportunity for a hearing shall be provided to the owner of record of each motor vehicle towed by order of a police officer or traffic authority, in accordance with the provisions of subsection (f) of section 14-150 of the general statutes, and sections 14-150-1 to 14-150-4, inclusive, of the Regulations of Connecticut State Agencies.

(Adopted, effective October 8, 1997)

**Sec. 14-307-4. Lien by tower or storage facility**

Each tower and/or storage facility which stores a motor vehicle towed by order of a police officer or traffic authority shall, subject to the provisions of subsection (f) of section 14-150 of the general statutes, regarding a determination of liability for the expenses of an unauthorized tow, have a lien upon such motor vehicle for its towing and storage charges.

(Adopted, effective October 8, 1997)

**Sec. 14-307-5. Sale or other disposition of unclaimed vehicle**

(a) Any sale by a tower or storage facility of a towed motor vehicle, in order to collect towing charges or storage charges, or both, shall comply with the provisions of subsections (g), (h) and (i) of section 14-150 of the general statutes, including notification by certified mail, return receipt requested, to the motor vehicle owner and to the commissioner. Notice of intent to sell shall be provided to the commissioner by completing and returning, with the signature of the tower or storage facility under penalty of false statement, the DMV "Notice of Intent to Sell". The notice to the commissioner shall include evidence that notice has been given to the owner at least five (5) days before the date of the sale. Upon receipt of the "Notice of Intent to Sell", the commissioner shall make such notice available as a public record.

(b) Any tower or storage facility which sells a motor vehicle in accordance with subsection (a) of this section shall report such sale to the commissioner as provided in section 14-150-5 of the Regulations of Connecticut State Agencies. The tower or storage facility shall also issue to the purchaser of the motor vehicle a completed and executed DMV Form "Affidavit of Compliance". DMV shall not register or title any such motor vehicle sold by a tower or storage facility unless the application for registration and title is accompanied by the duly executed "Affidavit of Compliance".

(Adopted, effective October 8, 1997)

**Sec. 14-307-6. Provision of notice of sale to lienholders of record**

Each tower or storage facility shall, not later than the date of filing with the commissioner of the DMV Form "Notice of Intent to Sell", provide notification of the pending sale or disposition of a motor vehicle to all lienholders listed on the Certificate of Title. The notice shall be given by certified mail, return receipt requested, addressed to each such lienholder at the address or addresses maintained in the records of the DMV. Each tower or storage facility shall maintain in its records a copy of each such notice indicating the date and time of mailing. The provisions of this section shall apply to all titled motor vehicles which have been subject to a transfer of ownership or the filing of a lien since July 1, 1992.

(Adopted, effective October 8, 1997)

**Sec. 14-307-7. Provision of owner and lienholder information**

In providing owner and lienholder information, with respect to any towed or stored vehicle to a tower, storage facility or bailee for the purpose of providing

written notice to an owner, and for providing notice by certified mail, return receipt requested, to any lienholders of record on the title of such motor vehicle in the custody of such tower, storage facility or bailee, the commissioner shall provide and use that information which appears on the official registration and title records of the DMV, as of the date of each inquiry and/or transmittal of information.

(Adopted, effective October 8, 1997)

**Sec. 14-307-8. Value of motor vehicle**

The commissioner shall require any tower or storage facility which files with the commissioner the DMV Form "Notice of Intent to Sell" to state on such form the market value of the motor vehicle which it intends to sell, where such value is greater than five hundred dollars (\$500.00). Such statement of value shall be under penalty of false statement. If the tower or storage facility claims that the market value is not an accurate estimate of the value of the motor vehicle, then a reasonable estimate of current market value may be provided together with a statement of the facts on which such estimate is based.

(Adopted, effective October 8, 1997)