

Sec. 42-179-7. Form and content of disclosure

(a) Any person who accepts the return of a motor vehicle from a consumer for replacement or refund due to a nonconformity or defect, whether as a result of an administrative or judicial determination, an arbitration proceeding or a voluntary settlement, shall notify the commissioner of motor vehicles in writing within twenty (20) days of taking title, possession or custody of such vehicle, by submitting to the commissioner a copy of the “disclosure statement” as specified in Section 42-179-8. Such copy shall be submitted by certified or registered mail and addressed to the Dealers and Repairers Division, Department of Motor Vehicles, 60 State Street, Wethersfield, CT 06161. No person shall sell or lease, transfer, or authorize for sale or lease, including sale at an automobile auction within this state, any vehicle covered by this subsection until the required notice has been submitted to the commissioner.

(b) Any person to whom a motor vehicle is returned for replacement or refund due to a nonconformity or defect in accordance with subsection (a) of this section shall affix “disclosure statement” as specified in subsection (a) of Section 42-179-8 to the lower corner of the windshield furthest removed from the driver in a location readily visible from the exterior of such vehicle. A “disclosure statement” shall also be included in any contract for sale or lease of such motor vehicle by such person as specified in subsection (c) of Section 42-179-8.

(c) No “disclosure statement” shall be removed from a motor vehicle except upon written approval by the commissioner of motor vehicles after receipt by the commissioner of an engineering inspection report certifying in writing that the defect(s) or condition(s) or combination of both which resulted in the replacement of or refund for such vehicle has been corrected or repaired. The engineering inspection report shall be prepared and signed by and any repairs, tests or procedures on such vehicle shall be performed under the supervision of a licensed professional engineer having expertise in the technical area(s) of the defect(s) and/or condition(s). The engineering inspection report shall contain at a minimum the following information:

(1) The vehicle identification number (VIN), the make, the model, the model year and the prior title number including state of issue of the motor vehicle;

(2) A listing of the defect(s) or condition(s) under which the vehicle was repurchased or replaced;

(3) The complete diagnostic procedures performed on the motor vehicle to analyze, repair or correct such defect(s) or condition(s) and the results of such procedures;

(4) A listing of all parts replaced, adjusted, or repaired or in any way modified in conjunction with such repair or correction, including a copy of any documents relating to such repair or correction; and,

(5) A statement of the jurisdiction in which the engineer who prepared the engineering report is licensed, his license number, and his qualifications including experience, education and training in the technical area(s) that is the subject of the report.

(d) The engineering inspection report shall be accepted and approved by the commissioner only if it contains sufficient detailed information to permit a positive determination by the commissioner or his designee that the nonconformity and/or defect has been corrected. The commissioner may consult with the Board of Examiners for

Professional Engineers and Land Surveyors for assistance in determining the qualifications of an engineer in the technical area(s) that is the subject of the report. The costs of inspection and the preparation of the engineering inspection report shall be borne by the party or parties requesting that the commissioner approve the removal of the “disclosure statement.” The commissioner shall notify the party or parties making the request of the approval or disapproval of such request in writing within sixty (60) days after its receipt, and if such request is disapproved, the reason(s) for such disapproval.

(e) The commissioner or his designee may inspect any vehicle subject to Sections 42-179-6 to 42-179-11, inclusive, to determine compliance with the requirements of subsection (b) of this section or to verify that the defect(s) or condition(s) which led to the replacement or refund for such motor vehicle no longer exists.

(f) The commissioner of motor vehicles shall maintain a listing of motor vehicles reported to him which have been returned from a consumer due to a nonconformity or defect in accordance with subsection (a) of this section, and access to such listing shall be made available to a person exhibiting a need for such information upon application to the commissioner in writing.

(Effective October 23, 1995)