

Regulation of the
Department of Motor Vehicles

Concerning
Motor Vehicle Recyclers

Regulations adopted after July 1, 2013, become effective upon posting to the website of the Secretary of the State, or at a later date specified within the regulation.

Website posted on
January 16, 2014

Effective Date
January 16, 2014

Approved by the Attorney General on
November 4, 2013

Approved by the Legislative Regulation Review
Committee on
January 7, 2014

Received and filed in the Office of the
Secretary of the State on
January 10, 2014

Electronic copy with agency head certification statement
submitted to the Office of the
Secretary of the State on
January 10, 2014

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Purpose and Legal Disclaimer: This form was designed to facilitate submission of the "statement from the department head" required by CGS 4-172(a) as amended by PA 12-92, Section 6. This form does not constitute legal advice. The Office of the Secretary of the State (SOTS) is not authorized to provide legal advice to state agencies. Consult with your agency's legal counsel before completing and submitting this form for filing

Instructions: (1) Save a copy of this document to your computer; (2) To enter data, use the Tab key to move between fields, or click-and-highlight an entire <text field>; (3) When complete, submit to your agency's legal counsel for review and approval; (4) After approval by counsel, PRINT and submit to your agency head for his/her original signature; (5) Scan the originally-signed form and submit it as an email attachment, along with the electronic copy of the regulation that the statement certifies, to regulations.sots@ct.gov; (6) retain the originally-signed copy for your agency's regulation-making record.

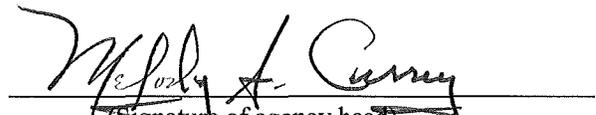
Submit the electronic copy and its certification statement to the Secretary of the State at regulations.sots@ct.gov concurrently with the paper copy of the original regulation, as required by CGS Section 4-172 as amended.

Electronic Copy Certification Statement

I, **Melody A. Currey, Commissioner** of the **Department of Motor Vehicles**, in accordance with the provisions of Section 4-172 of the *General Statutes of the State of Connecticut*, **do hereby certify:**

That the electronic copy of a regulation concerning **Motor Vehicle Recyclers**, which was approved by the Legislative Regulation Review Committee on **January 7, 2014**, and which shall be submitted electronically for filing to the Secretary of the State by **Anne F. Howroyd** of this agency on **January 10, 2014**, is a true and accurate copy of the original regulation approved in accordance with Sections 4-169 and 4-170 of the *General Statutes of the State of Connecticut*.

In testimony whereof, I have hereunto set my hand on **January 9, 2014**.


(Signature of agency head)

IMPORTANT: Use this form (REGS-1) to submit permanent regulations to the Legislative Regulation Review Committee.
For **emergency regulations**, use form REGS-1-E instead.
For *non-substantive technical amendments and repeals* proposed without prior notice or hearing as permitted by subsection (g) of CGS 4-168, as amended by PA 13-247 and PA 13-274, use form REGS-1-T instead.

Please read the additional instructions on the back of the last page (Certification Page) before completing this form. Failure to comply with the instructions may cause disapproval of proposed regulations.

State of Connecticut
REGULATION
of the

NAME OF AGENCY:

Department of Motor Vehicles

Concerning

SUBJECT MATTER OF REGULATION:

Motor Vehicle [Junk Dealers] Recyclers

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Motor Vehicle [Junk Dealers] Recyclers

Section 1. Sections 14-67q-1 to 14-67q-11, inclusive, of the Regulations of Connecticut State Agencies are amended and the following is substituted in lieu thereof:

Sec. 14-67q-1. Defined. Requirements

A "motor vehicle [junk dealer] recycler" is any person, firm or corporation engaged in the business of purchasing motor vehicles for the purpose of dismantling the vehicles for parts or use of the metal for scrap. [He] Such motor vehicle recycler shall have a suitable and adequate place of business which shall be determined by the commissioner of motor vehicles and shall be required to show proof of good moral character.

Sec. 14-67q-2.

Repealed, July 19, 1990.

Establishment, Operation and Maintenance of Motor Vehicle [Junk] Recycler's [Businesses] Business or Motor Vehicle [Junkyards] Recycler's Yard

Sec. 14-67q-3. Definitions

- (1) "Salvage motor vehicle" means a motor vehicle purchased or obtained by a motor vehicle [junkyard] recycler for the value of parts contained on such vehicle, and stored in the motor vehicle [junkyard area] recycler's yard reserved for such vehicles;
- (2) "Scrap motor vehicle" means a motor vehicle purchased or obtained by a motor vehicle [junkyard] recycler for the purpose of processing such motor vehicle for the scrap metal thereon, and stored in a portion of the yard reserved for such processing, and
- (3) "Processed motor vehicle" means a motor vehicle that has been processed for easy transportation, including the disassembling, separating, cutting, crushing or compacting of the body shell in such manner as to provide for safety in stacking.

Sec. 14-67q-4. Area required for storage of salvage motor vehicles

Each licensed motor vehicle [junkyard] recycler shall maintain a separate and distinct area for the storage of salvage motor vehicles, and such area shall in no case exceed eighty per cent of the licensed and usable area of such yard.

Sec. 14-67q-5. Transfer from salvage area to processing section

Any vehicle purchased for salvage and stored in the portion of the yard reserved for salvage vehicles shall be removed from such area and stored or deposited in the processing section of such yard when the usable parts of such vehicle have been removed.

Sec. 14-67q-6. Location of stored vehicles

Each salvage or scrap motor vehicle stored or deposited within a motor vehicle [junkyard] recycler's yard shall be so located as to be within one hundred feet of an accessible roadway or driveway with a minimum width of twelve feet, such driveway or roadway being connected to a public road or highway.

Sec. 14-67q-7. Proximity to other vehicles

With the exception of a motor vehicle placed or stored on top of another, no scrap or salvage motor vehicle shall be located closer than one foot to an adjacent vehicle, provided when scrap or salvage motor vehicles are deposited or stored in a continuous line not to exceed four passenger motor

vehicles in length, it shall be necessary only to maintain the one-foot separation between the sides of such vehicles.

Sec. 14-67q-8. Location of vehicles purchased for scrap

Each motor vehicle purchased or obtained for scrap shall be deposited or stored in the portion of the yard reserved for the processing of vehicles.

Sec. 14-67q-9. Stacking of processed vehicles

The stacking of processed motor vehicles in a motor vehicle [junkyard] recycler's yard is prohibited except in the area reserved for such processing.

Sec. 14-67q-10. Stacking of other motor vehicles

Stacking of motor vehicles, other than processed motor vehicles, at a height greater than two vehicles is prohibited.

Sec. 14-67q-11. Stacking of processed vehicles in processing area

The stacking of processed motor vehicles in the area reserved for such processing is permitted, provided the perimeter of the base of each such stack or pile shall be set back from the boundaries of the licensed [junkyard] motor vehicle recycler's property at a distance equal to the highest point of such stack or pile.

Sec. 2. Sections 14-67q-13 to 14-67q-18, inclusive, of the Regulations of Connecticut State Agencies are amended and the following is substituted in lieu thereof:

Sec. 14-67q-13. Removal and return of registration plates

All registration plates displayed on, or contained in, any motor vehicle purchased by a motor vehicle [junkyard] recycler shall immediately be removed from such vehicle and returned to the motor vehicle department.

Sec. 14-67q-14. Fence requirement

Fences required by [Section] section 14-67r of the Connecticut General Statutes shall be made of solid wood, metal, or opaque plastic of sufficient thickness and durability to remain in position under normal windloading and weather conditions. Posts or supports for fences shall be of sufficient depth or weight to remain in vertical or upright position. It is the responsibility of the licensee to repair and maintain fences.

Sec. 14-67q-15. Application requirements

(a) Each applicant for a Connecticut motor vehicle [junkyard] recycler's license shall file with the Department of Motor Vehicles, Dealers and Repairer's Division:

(1) An application on a form provided by the Department of Motor Vehicles;

[(2)] (2) An advertisement from a newspaper for a hearing to be held by the town or city in which the junkyard is to be located for the purpose of approving such junkyard. The advertisement shall be an original taken from a newspaper. Copies of the advertisement are not acceptable;

[(3)] (2) An examination fee [as required by statute] as prescribed in section 14-67l of the Connecticut General Statutes;

[(4)] (3) A certificate of approval of the location endorsed on the application by the

local authorities in the city or town in which the [junkyard] motor vehicle recycler's yard or business is located. Local authorities means the Zoning Commission, or if there is no Zoning Commission in the municipality, the selectman, the mayor of the city or the warden of the borough;

[(5)] (4) If requested by the department, a certificate of approval of the location from the State Department of Transportation; [and]

(5) Certification by the applicant that the property to be licensed as a motor vehicle recycler's yard and business is in compliance with all applicable provisions of title 22a of the Connecticut General Statutes and all regulations adopted by the Commissioner of Energy and Environmental Protection pursuant to the provisions of said title as prescribed in subsection (b) of section 14-67l of the Connecticut General Statutes; and

(6) A site drawing that meets the requirements set forth in section 14-67q-16 of the Regulations of Connecticut State Agencies.

(b) Upon approval of the application by the Department of Motor Vehicles, the applicant [must] shall submit the following:

(1) The statutory license fee;

(2) Fees for any registrations (marker plates) desired;

(3) Proof of financial responsibility in accordance with subsection (a) of section 14-67l of the Connecticut General Statutes; and

(4) A sales tax permit number obtained from the [State Tax] Department of Revenue Services.

Sec. 14-67q-16. Site drawing specifications

A site drawing must meet the following specifications:

(1) Every site drawing of the proposed property location [must] shall be scaled, and the maximum permissible scale is 1" = 40' (one inch equals forty feet);

(2) Drawings [must] shall be in ink or other permanent process. Pencil drawings are not acceptable;

(3) The drawing(s) [must] shall show the proposed property to be licensed, all buildings on the property and the point(s) of access to public roads;

(4) Dimensions [must] shall be given for the proposed property, for all buildings on the property, and for the point(s) of access to public roads;

(5) All buildings [must] shall show all doors, service areas, parts storage areas and offices;

(6) All rights of way, if any, [must] shall be indicated;

(7) All gasoline hoses, if any, [must] shall be indicated;

(8) All waste retention facilities, showing capacity, [must] shall be indicated;

(9) Each drawing [must] shall include the name and address of the person who prepared the drawing and its date of preparation;

(10) The applicant for license [must] shall sign the drawing;

(11) Revisions of the drawing [must] shall be made in ink or other permanent medium, or in indelible pencil.

Sec. 14-67q-17. Changes in site

(a) The licensee shall notify the Department of Motor Vehicles, Dealers and Repairers Division, and obtain its approval prior to any changes in the use of the location site, or any part of the location site, to a use different from that for which the location site was initially approved.

(b) The licensee shall notify the Department of Motor Vehicles, Dealers and Repairers Division, submit a revised site plan, and obtain approval prior to any of the following changes to the site:

(1) Addition to or removal of a building or any portion of a building;

(2) Addition of adjacent land to the site;

(3) Deletion of existing land from the site; or

(4) Any changes to the site, or any part of the site, which would require a change in the site plan as originally submitted.

Sec. 14-67q-18. Parts not for resale

The words [establishment] “establishment”, [operation] “operation” or [maintenance] “maintenance” of a motor vehicle [junkyard or motor vehicle junk] recycler’s yard or business shall include the accumulation of motor vehicle parts or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part, or is or was intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles, whether or not the parts are for sale or resale, or whether or not intended for use or display.

Sec. 3. Section 14-67q-12 of the Regulations of Connecticut State Agencies is repealed.

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

This proposal updates the regulations governing a recycler's yard and business as a result of Public Act 1996-167 which substituted the word "recycler" for junkyard dealer, and Public Act 2008-150 that mandates compliance with environmental laws before an application is granted.

It also removes two requirements for recyclers: 1) that only the owner, an employee of a licensed recycler yard or motor vehicle dealer and repairer may enter the recycler's yard; and 2) that dogs are to be restrained during business hours. These two requirements are not necessarily reflective of current business conditions and as such, the proposal would allow the owner of a motor vehicle recycler's yard to consider such changes to its business operations if it chose to do so.

The amendment also makes several grammatical and technical corrections.

CERTIFICATION

This certification statement must be completed in full.

I hereby certify that the above Regulation(s)

- 1) is/are (check all that apply) adopted amended repealed by this agency pursuant to the following authority(ies): (complete all that apply)
- a. **Connecticut General Statutes section(s)** 14-67q.
- b. **Public Act Number(s)** _____.
 (Provide public act number(s) if the authorizing act has not yet been codified in the Connecticut General Statutes.)

And I further certify

- 2) that **Notice of Intent** to adopt, amend or repeal said regulation(s) was electronically submitted to the Secretary of the State on 7/31/2013, and posted to the Secretary's regulations website on 8/1/2013; (Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)
- 3) and that a public hearing regarding the proposed regulation(s) was held on _____ or that no public hearing was held; (Insert date(s) of mandatory public hearing(s) held pursuant to CGS 4-168(a), as amended, or other applicable statute, and/or voluntary hearing, or if no hearing was held, check the box for that statement.)
- 4) and that notice of **Decision to Take Action** on said regulations was electronically submitted to the Secretary of the State on 10/21/2013, and posted to the Secretary's regulations website on 10/23/2013; (Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)
- 5) and that said regulation(s) is/are **EFFECTIVE** (check one, and complete as applicable)
- When posted online by the Secretary of the State.
- OR on (insert date) _____.

6) SIGNED (Head of Board, Agency or Commission) <i>Melody A. Curran</i>	OFFICIAL TITLE, DULY AUTHORIZED Commissioner	DATE <u>10/23/13</u>
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APPROVED by the **Attorney General** as to legal sufficiency in accordance with CGS Section 4-169, as amended.

DATE <u>11/4/13</u>	SIGNED (Attorney General or AG's designated representative) <i>Joseph Rubin</i>	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL
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Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the Attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.

(For Regulation Review Committee Use ONLY)

APPROVED in WHOLE or WITH technical corrections deletions substitute pages

DEEMED APPROVED, pursuant CGS 4-170(c), as amended.

Rejected without Prejudice Disapproved, pursuant to CGS 4-170(c), as amended.

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE <u>January 7, 2014</u>	SIGNED (Administrator Legislative Regulation Review Committee) <i>[Signature]</i>
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In accordance with CGS Section 4-172, as amended by PA 13-247 and PA 13-274, one certified paper copy and one electronic copy with agency head certification statement received on the date(s) specified below.

DATE	SIGNED (Secretary of the State)	BY
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(For Secretary of the State Use ONLY)

Date Posted to SOTS Regulations Website:

Date Electronic Copy Forwarded to the Commission on Official Legal Publications:

SOTS file stamp:

GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Section 4-168, as amended by PA 13-247, section 28, and PA 13-274, and CGS Section 4-170.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in [brackets]. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The *Certification Statement* portion of this form must be completed, including all applicable information regarding notice submission and website posting date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rrr/>.
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf.

CERTIFICATION STATEMENT INSTRUCTIONS

(Numbers below correspond to the numbered sections of the Certification Statement page)

1. a) Indicate whether the regulation contains newly adopted sections, amendments to existing sections, and/or repeals of existing sections. **Check all cases that apply.**
b) Indicate the specific legal authority that permits or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
2. An agency must electronically submit notice of its intent to adopt the regulation to the Secretary of the State at regulations.sots@ct.gov for posting on the Secretary's regulations website. Enter both the date notice of intent was submitted to the Secretary of the State *and* the date the notice was posted on the Secretary's website. For emergency regulations, use Form Regs-1-E instead of this form. For non-substantive technical amendments and repeals adopted without prior notice or hearing as permitted by subsection (g) of CGS 4-168, use Form REGS-1-T instead of this form.
3. CGS 4-168(a), as amended by PA 13-247 and PA 13-274, prescribes requirements for holding a public hearing on proposed regulations. Enter the date(s) of all hearing(s) held under that section, if any, also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law; and enter the date(s) of any public hearing(s) the agency elected to hold voluntarily. If no public hearing was held, mark (X) the check box.
4. **NEW REQUIREMENT:** CGS 4-168(d), as amended by PA 13-247 and PA 13-274, prescribes requirements electronically submitting notice of decision to take action (proceed with adoption) of a proposed regulation for posting to the Secretary's regulations webpage. Enter both the date notice of decision was submitted to the Secretary of the State *and* the date the notice was posted on the Secretary's website.
5. As applicable, enter the specific effective date of the regulation; or indicate that it is effective upon posting online by the Secretary of the State. **Please note the important information below.**
Permanent regulations adopted after July 1, 2013 are effective upon posting online by the Secretary of the State (SOTS), or at a *later* date specified by the agency, or at a *later* date if required by statute. See CGS 4-172(b). An effective date may not precede the date of posting online by SOTS, and it may not precede the effective date of the public act requiring or permitting the regulation.
6. Submit the original proposed regulation to your agency commissioner for signature.