



General Assembly

February Session, 2000

Raised Bill No. 366

LCO No. 1667

Referred to Committee on General Law

Introduced by:

(GL)

An Act Concerning Home Improvement Contracts.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-429 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) No home improvement contract shall be valid or enforceable
4 against an owner unless it: (1) Is in writing, (2) is signed by the owner
5 and the contractor, (3) contains the entire agreement between the
6 owner and the contractor, (4) contains the date of the transaction, (5)
7 contains the name and address of the contractor, (6) contains a notice
8 of the owner's cancellation rights in accordance with the provisions of
9 chapter 740, (7) contains a starting date and completion date, (8)
10 contains a plain language statement regarding any financing provided
11 by the contractor, if applicable, and [(8)] (9) is entered into by a
12 registered salesman or registered contractor. Each change in the terms
13 and conditions of a contract shall be in writing and shall be signed by
14 the owner and contractor, except that the commissioner may, by
15 regulation, dispense with the necessity for complying with the
16 requirement that each change in a home improvement contract shall be
17 in writing and signed by the owner and contractor.

18 (b) No home improvement contract shall be valid if it includes any
19 provision obligating the owner to instruct the home improvement
20 contractor, by a date determined by such contractor, that periodic
21 home improvements are not to be performed unless it also includes a
22 provision requiring the contractor to remind the owner of that
23 obligation by means of a card or letter mailed to the owner and
24 postmarked not earlier than twenty days, and not later than ten days,
25 prior to such date.

26 (c) No home improvement contract shall be valid if the contractor or
27 salesman is a party to or signatory of any insurance settlement
28 resulting from a property loss by the owner related to the home
29 improvements to be performed.

30 [(c)] (d) The contractor shall provide and deliver to the owner,
31 without charge, a completed copy of the home improvement contract
32 at the time such contract is executed.

33 [(d)] (e) The commissioner may, by regulation, require the inclusion
34 of additional contractual provisions.

35 [(e)] (f) Each home improvement contract entered into shall be
36 considered a home solicitation sale pursuant to chapter 740 and shall
37 be subject to the requirements of said chapter regardless of the location
38 of the transaction or of the signing of the contract.

39 [(f)] (g) Nothing in this section shall preclude a contractor who has
40 complied with subdivisions (1), (2), (6), (7) and [(8)] (9) of subsection
41 (a) of this section from the recovery of payment for work performed
42 based on the reasonable value of services which were requested by the
43 owner, provided the court determines that it would be inequitable to
44 deny such recovery.

45 Sec. 2. Section 20-429a of the general statutes is repealed and the
46 following is substituted in lieu thereof:

47 (a) No contractor or salesman shall solicit or otherwise endeavor to

48 procure home improvement work or a home improvement contract
49 from an owner by notifying the owner that a contractor will commence
50 home improvement work unless the owner instructs the contractor not
51 to commence such work by a date determined by the contractor.

52 (b) No contractor or salesman shall solicit or otherwise endeavor to
53 procure home improvement work or a home improvement contract
54 from an owner if the contractor or salesman is a party to or signatory
55 of any insurance settlement resulting from a property loss by the
56 owner related to the home improvements to be performed.

Statement of Purpose:

To prohibit contractors from soliciting homeowners or entering into contracts with homeowners if the contractor is a party to or signatory of an insurance settlement resulting from a fire or other property loss to the homeowner's property that is the basis of the home improvements, and to require contractors who provide financing to homeowners for proposed home improvement work to disclose the terms of such financing in the original contract.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]