



General Assembly

February Session, 2000

Raised Bill No. 576

LCO No. 2202

Referred to Committee on General Law

Introduced by:

(GL)

An Act Concerning Occupational Services Contractors.

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

- 1 Section 1. (NEW) As used in sections 1 to 10, inclusive, of this act:
- 2 (1) "Commissioner" means the Commissioner of Consumer
3 Protection;
- 4 (2) "Plumbing and piping work" means plumbing and piping work,
5 as defined in section 20-330 of the general statutes;
- 6 (3) "Heating, piping and cooling work" means heating, piping and
7 cooling work, as defined in section 20-330 of the general statutes;
- 8 (4) "Occupational services contractor" means any business
9 organization, including without limitation any corporation,
10 association, firm or partnership (A) that offers or advertises to the
11 public, or otherwise solicits the public to engage the services of its
12 employees or of any other business organization as a subcontractor in
13 plumbing and piping work or heating, piping and cooling work, (B)
14 that is not required to register under sections 20-341s to 20-341bb,
15 inclusive, of the general statutes, and is acting as a subcontractor in

16 plumbing and piping work or heating, piping and cooling work, and
17 (C) of which the owner, principal or officer is not a licensed contractor
18 under chapter 393 of the general statutes. "Occupational services
19 contractor" does not include an individual licensed under chapter 393
20 of the general statutes.

21 Sec. 2. (NEW) No occupational services contractor shall engage in
22 plumbing and piping work or heating, piping and cooling work, or
23 offer to perform such work, in this state without first obtaining a
24 certificate of registration from the commissioner as provided in
25 sections 3 to 5, inclusive, of this act.

26 Sec. 3. (NEW) (a) Any applicant for an occupational services
27 contractor certificate shall apply to the commissioner, in writing, on a
28 form provided by the commissioner. Such application shall include the
29 applicant's name, business name, business address and such other
30 information as the commissioner may require.

31 (b) An applicant for a certificate of registration shall submit
32 satisfactory proof establishing that the applicant: (1) Has no
33 outstanding obligations to the state, including tax payments owed to
34 the state; (2) subcontracts with or employs only persons licensed or
35 registered pursuant to chapter 393 of the general statutes; and (3)
36 agrees that all plumbing and piping work or heating, piping and
37 cooling work shall be performed in accordance with chapter 393 of the
38 general statutes.

39 Sec. 4. (NEW) Upon receipt of a completed application and
40 nonrefundable fee of one hundred ten dollars the commissioner shall:
41 (1) Issue and deliver to the applicant a certificate of registration as an
42 occupational services contractor; or (2) refuse to issue the certificate.
43 The commissioner may suspend, revoke or refuse to renew any
44 certificate issued under sections 3 to 5, inclusive, of this act. The
45 commissioner shall not revoke or suspend any certificate of
46 registration except upon notice and hearing in accordance with the
47 provisions of chapter 54 of the general statutes.

48 Sec. 5. (NEW) (a) Upon refusal to issue or renew a certificate under
49 section 4 of this act, the commissioner shall notify the applicant, by
50 certified mail, of the refusal and of the applicant's right to request a
51 hearing within ten days from the date of receipt of the notice of refusal.

52 (b) If the applicant requests a hearing, the commissioner shall give
53 notice of the grounds for the refusal and shall conduct a hearing
54 concerning such refusal in accordance with the provisions of chapter
55 54 of the general statutes, concerning contested cases.

56 Sec. 6. (NEW) (a) The commissioner may conduct investigations and
57 hold hearings on any matter under the provisions of sections 2 to 7,
58 inclusive, of this act. The commissioner may issue subpoenas,
59 administer oaths, compel testimony and order the production of
60 books, records and documents. If any person refuses to appear to
61 testify or to produce any book, record or document when so ordered,
62 upon the application of the commissioner, a judge of the Superior
63 Court may make such order as may be appropriate.

64 (b) The Attorney General, at the request of the commissioner, is
65 authorized to apply in the name of the state to the Superior Court for
66 an order temporarily or permanently restraining and enjoining any
67 contractor from violating any provision of sections 2 to 7, inclusive, of
68 this act.

69 Sec. 7. (NEW) (a) Each occupational services contactor shall display
70 its registration number as issued by the commissioner on all
71 commercial vehicles used in its business and shall display such
72 number in a conspicuous manner on all printed advertisements, bid
73 proposals, contracts, invoices and stationery used in its business. The
74 Department of Consumer Protection shall keep a register listing the
75 names of all businesses to whom such certificates of registration are
76 issued.

77 (b) No occupational services contractor shall: (1) Present or attempt
78 to present, as its own, the certificate of another, (2) knowingly give

79 false evidence of a material nature to the commissioner for the purpose
80 of procuring a certificate, (3) use or attempt to use an expired,
81 suspended or revoked certificate, (4) offer to perform or perform any
82 plumbing and piping work or any heating, piping and cooling work
83 without having first obtained a certificate of registration under sections
84 3 to 5, inclusive, of this act, or (5) represent in any manner that its
85 registration constitutes an endorsement of the quality of its
86 workmanship or of its competency by the commissioner. A violation of
87 any of the provisions of sections 2 to 7 , inclusive, of this act, shall be
88 deemed an unfair or deceptive trade practice under subsection (a) of
89 section 42-110b of the general statutes.

90 (c) A certificate issued to an occupational services contractor is valid
91 for one year and is nontransferable and is not assignable.

92 (d) The annual renewal fee for a certificate is fifty-five dollars.

93 Sec. 8. (NEW) Sections 1 to 7, inclusive, of this act, do not apply to
94 the following persons or organizations: (1) The government of the
95 state, municipalities of the state or any department or agency of the
96 state or such municipalities; (2) the government of the United States or
97 any of its departments or municipalities; or (3) any school, public or
98 private, offering as part of a vocational education program courses and
99 training in any aspect of plumbing and piping work or heating, piping
100 and cooling work.

101 Sec. 9. (NEW) The commissioner may adopt regulations, in
102 accordance with the provisions of chapter 54 of the general statutes, in
103 order to carry out the provisions of sections 3 to 7, inclusive, of this act.

104 Sec. 10. (NEW) Any occupational services contractor aggrieved by
105 an order or decision of the commissioner under sections 3 to 7,
106 inclusive, of this act, may appeal from such order or decision in
107 accordance with the provisions of section 4-183 of the general statutes.

Statement of Purpose:

To require the licensing of occupational services contractors.

[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.]