



General Assembly

January Session, 2001

**Raised Bill No. 1076**

LCO No. 3411

Referred to Committee on General Law

Introduced by:

(GL)

**AN ACT CONCERNING THE FAILURE TO REFUND CONSUMER DEPOSITS FOR NEW HOME CONSTRUCTION OR HOME IMPROVEMENTS.**

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

1 Section 1. Section 20-417e of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 In addition to any other remedy provided for in sections 20-417a to  
4 20-417i, inclusive, and subsection (b) of section 20-421, any person who  
5 violates any provision of subsection (d) of section 20-417d, except  
6 subdivision (7) of said subsection (d) shall be guilty of a class A  
7 misdemeanor. A violation of subdivision (7) of subsection (d) of  
8 section 20-417d (1) where the deposit is ten thousand dollars or more,  
9 shall be guilty of a class B felony; (2) where the deposit is five  
10 thousand dollars or more but less than ten thousand dollars, shall be  
11 guilty of a class C felony; (3) where the deposit is one thousand dollars  
12 or more but less than five thousand dollars, shall be guilty of a class D  
13 felony; and (4) where the deposit is less than one thousand dollars,  
14 shall be guilty of a class B misdemeanor. Notwithstanding subsection  
15 (d) of section 53a-29 or section 54-56e, if the court determines that a

16 contractor cannot fully repay any victim of the violations committed  
17 by the contractor within the period of probation established in  
18 subsection (d) of section 53a-29 or section 54-56e, the court may impose  
19 probation for a period of not more than five years. [Any person who  
20 violates the provisions of subdivision (7) of subsection (d) of section  
21 20-417d shall be liable for treble damages.]

22 Sec. 2. Subsection (c) of section 20-427 of the general statutes is  
23 repealed and the following is substituted in lieu thereof:

24 (c) In addition to any other remedy provided for in this chapter, (1)  
25 any person who violates any provision of subsection (b) of this section,  
26 except subdivision (8), shall be guilty of a class B misdemeanor and (2)  
27 any person who violates the provisions of subdivision (8) of subsection  
28 (b) of this section [shall be guilty of a class B misdemeanor if the home  
29 improvement that is offered or made has a total cash price of ten  
30 thousand dollars or less and shall be guilty of a class A misdemeanor if  
31 the home improvement that is offered or made has a total cash price of  
32 more than ten thousand dollars] (1) where the deposit is ten thousand  
33 dollars or more, shall be guilty of a class B felony; (2) where the  
34 deposit is five thousand dollars or more but less than ten thousand  
35 dollars, shall be guilty of a class C felony; (3) where the deposit is one  
36 thousand dollars or more but less than five thousand dollars, shall be  
37 guilty of class D felony; and (4) where the deposit is less than one  
38 thousand dollars, shall be guilty of class B misdemeanor.  
39 Notwithstanding subsection (d) of section 53a-29 or section 54-56e, if  
40 the court determines that a contractor cannot fully repay [his] such  
41 contractor's victims within the period of probation established in  
42 subsection (d) of section 53a-29 or section 54-56e, the court may impose  
43 probation for a period of not more than five years. A violation of any  
44 of the provisions of this chapter shall be deemed an unfair or deceptive  
45 trade practice under subsection (a) of section 42-110b.

***Statement of Purpose:***

To strengthen the penalties for failure to return a consumer's deposit in connection with a new home construction contract or home improvement 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.]*