



General Assembly

Amendment

January Session, 2003

LCO No. 5602

*SB0049605602SR

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Offered by:

SEN. GUNTHER, 21st Dist.

To: Subst. Senate Bill No. 496

File No. 223

Cal. No. 149

"AN ACT CONCERNING MINOR REVISIONS TO THE NEW HOME CONSTRUCTION ACT, THE HOME IMPROVEMENT CONTRACTOR ACT AND THE HOME SOLICITATION SALES ACT."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 20-419 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2003*):

5 As used in this chapter, unless the context otherwise requires:

6 (1) ["Certificate"] "License" means (A) a certificate of registration
7 issued under section 20-422, as amended by this act, prior to July 1,
8 2003, or (B) a license issued under section 20-422, as amended by this
9 act, on or after July 1, 2003.

10 (2) "Commissioner" means the Commissioner of Consumer
11 Protection or any person designated by the commissioner to

12 administer and enforce this chapter.

13 (3) "Contractor" means any person, including a subcontractor, who
14 owns and operates a home improvement business or who undertakes,
15 offers to undertake or agrees to perform any home improvement.
16 "Contractor" does not include a person for whom the total cash price of
17 all of [his] such person's home improvement contracts with all of [his]
18 such person's customers does not exceed one thousand dollars during
19 any period of twelve consecutive months.

20 (4) "Home improvement" includes, but is not limited to, the repair,
21 replacement, remodeling, alteration, conversion, modernization,
22 improvement, rehabilitation or sandblasting of, or addition to any land
23 or building or that portion thereof which is used or designed to be
24 used as a private residence, dwelling place or residential rental
25 property, or the construction, replacement, installation or
26 improvement of driveways, swimming pools, porches, garages, roofs,
27 siding, insulation, solar energy systems, flooring, patios, landscaping,
28 fences, doors and windows and waterproofing in connection with such
29 land or building or that portion thereof which is used or designed to be
30 used as a private residence, dwelling place or residential rental
31 property, in which the total cash price for all work agreed upon
32 between the contractor and owner exceeds two hundred dollars.
33 "Home improvement" does not include: (A) The construction of a new
34 home; (B) the sale of goods by a seller who neither arranges to perform
35 nor performs, directly or indirectly, any work or labor in connection
36 with the installation or application of the goods or materials; (C) the
37 sale of goods or services furnished for commercial or business use or
38 for resale, provided commercial or business use does not include use
39 as residential rental property; (D) the sale of appliances, such as stoves,
40 refrigerators, freezers, room air conditioners and others which are
41 designed for and are easily removable from the premises without
42 material alteration thereof; and (E) any work performed without
43 compensation by the owner on [his] such owner's own private
44 residence or residential rental property.

45 (5) "Home improvement contract" means an agreement between a
46 contractor and an owner for the performance of a home improvement.

47 (6) "Owner" means a person who owns or resides in a private
48 residence and includes any agent thereof. An owner of a private
49 residence shall not be required to reside in such residence to be
50 deemed an owner under this subdivision.

51 (7) "Person" means an individual, partnership, limited liability
52 company or corporation.

53 (8) "Private residence" means a single family dwelling, a multifamily
54 dwelling consisting of not more than six units, or a unit, common
55 element or limited common element in a condominium, as defined in
56 section 47-68a, or in a common interest community, as defined in
57 section 47-202.

58 (9) ["Salesman"] "Salesperson" means any individual who (A)
59 negotiates or offers to negotiate a home improvement contract with an
60 owner, or (B) solicits or otherwise endeavors to procure by any means
61 whatsoever, directly or indirectly, a home improvement contract from
62 an owner on behalf of a contractor.

63 (10) "Residential rental property" means a single family dwelling, a
64 multifamily dwelling consisting of not more than six units, or a unit,
65 common element or limited common element in a condominium, as
66 defined in section 47-68a, or in a common interest community, as
67 defined in section 47-202, which is not owner occupied.

68 Sec. 502. Section 20-420 of the general statutes is repealed and the
69 following is substituted in lieu thereof (*Effective July 1, 2003*):

70 (a) No person shall hold oneself out to be a contractor or salesperson
71 without first obtaining a [certificate of registration] license from the
72 commissioner as provided in this chapter, except that an individual or
73 partner, or officer or director of a corporation [registered] licensed as a
74 contractor shall not be required to obtain a salesperson's [certificate]

75 license. No [certificate] license shall be given to any person who holds
76 oneself out to be a contractor that performs radon mitigation unless
77 such contractor provides evidence, satisfactory to the commissioner,
78 that the contractor has attended a program approved by the
79 Commissioner of Public Health and has received a passing score on
80 [an] a radon mitigation examination approved by said commissioner.

81 (b) No contractor shall employ any [salesman] salesperson to
82 procure business from an owner unless the [salesman is registered]
83 salesperson is licensed under this chapter.

84 (c) No individual shall act as a home improvement [salesman for an
85 unregistered] salesperson for an unlicensed contractor.

86 (d) No contractor shall contract with a subcontractor for the
87 performance of a portion of a home improvement contract unless the
88 subcontractor is licensed under this chapter.

89 Sec. 503. Section 20-421 of the general statutes is repealed and the
90 following is substituted in lieu thereof (*Effective July 1, 2003*):

91 (a) Any person seeking a [certificate of registration] license shall
92 apply to the commissioner in writing, on a form provided by the
93 commissioner. The application shall include the applicant's name,
94 residence address, business address, business telephone number and
95 such other information as the commissioner may require.

96 (b) Each application for a [certificate of registration] license as a
97 home improvement contractor shall be accompanied by [a] an
98 application fee of sixty dollars and by an examination fee to be
99 determined by the commissioner, except that no such application fee
100 shall be required in any year during which such person has paid the
101 registration fee required under section 20-417c or in any year in which
102 such person's registration as a new home construction contractor is
103 valid.

104 [(c) Each application for a certificate of registration as a salesman

105 shall be accompanied by a fee of sixty dollars.]

106 [(d)] (c) Each licensed contractor or salesperson shall pay an annual
107 license renewal fee of fifty dollars per license issued to such contractor
108 or salesperson pursuant to this chapter. The application fee for a
109 [certificate of registration as a home improvement] license as a
110 contractor acting solely as the contractor of record for a corporation,
111 shall be waived, provided the contractor of record shall use such
112 [registration] license for the sole purpose of directing, supervising or
113 performing home improvements for such corporation.

114 (d) (1) The Commissioner of Consumer Protection may adopt
115 regulations, in accordance with chapter 54, for establishing classes of
116 licensure for contractors and salespersons.

117 (2) A contractor shall not perform or offer to perform home
118 improvements beyond the scope of such contractor's license or the
119 class or classes of licensure established by the commissioner pursuant
120 to this subsection.

121 (e) (1) On or after July 1, 2003, an applicant for licensure pursuant to
122 this chapter shall take an examination for licensure as set forth in
123 subdivision (3) of this subsection.

124 (2) On or after July 1, 2003, an applicant for the renewal of any
125 certificate of registration issued pursuant to this chapter prior to July 1,
126 2003, shall comply with the examination requirements of subdivision
127 (3) of this subsection.

128 (3) An examination on the construction, safety, health and lien laws
129 of this state and the general business practices of home improvement
130 shall be prepared by the Department of Consumer Protection or by a
131 national testing service designated by the department and shall be
132 administered by the department or such testing service. The
133 department shall conduct at least four examinations each year. Written
134 notice of the time and place of each examination shall be given to each
135 applicant at least ten days prior to such examination.

136 Sec. 504. Section 20-422 of the general statutes is repealed and the
137 following is substituted in lieu thereof (*Effective July 1, 2003*):

138 Upon receipt of a completed application and fee and upon receipt of
139 notice of an applicant's passing score on the examination required
140 pursuant to subsection (e) of section 20-421, as amended by this act, the
141 commissioner shall: (1) Issue and deliver to the applicant a [certificate]
142 license to engage in the business for which the application was made;
143 or (2) refuse to issue the [certificate] license. The commissioner may
144 suspend, revoke or refuse to issue or renew any [certificate] license
145 issued under this chapter or may place a [registrant] licensee on
146 probation or issue a letter of reprimand or may require the posting of a
147 bond meeting the specifications of section 20-426a, as amended by this
148 act, as a condition for the issuance, renewal or reinstatement of a
149 [certificate of registration] license for any of the reasons stated in
150 section 20-426, as amended by this act. No application for the
151 reinstatement of a [certificate which] license that has been revoked
152 shall be accepted by the commissioner within one year after the date of
153 such revocation.

154 Sec. 505. Section 20-423 of the general statutes is repealed and the
155 following is substituted in lieu thereof (*Effective July 1, 2003*):

156 (a) Upon refusal to issue or renew a [certificate] license under this
157 chapter, the commissioner shall notify the applicant of the denial and
158 of the applicant's right to request a hearing [within ten days from] not
159 later than ten days after the date of receipt of the notice of denial.

160 (b) If the applicant requests a hearing within such [ten days] ten-day
161 period, the commissioner shall give notice of the grounds for the
162 commissioner's refusal and shall conduct a hearing concerning such
163 refusal, in accordance with the provisions of chapter 54, concerning
164 contested [cases] matters.

165 (c) If the commissioner's denial of a [certificate] license is sustained
166 after such hearing, an applicant may [make new application] submit a
167 new application for a license under this chapter not less than one year

168 after the date on which such denial was sustained.

169 Sec. 506. Section 20-426 of the general statutes is repealed and the
170 following is substituted in lieu thereof (*Effective July 1, 2003*):

171 (a) The commissioner may revoke, suspend or refuse to issue or
172 renew any [certificate of registration as a home improvement
173 contractor or salesperson or place a registrant] license as a contractor
174 or salesperson or place a licensee on probation or issue a letter of
175 reprimand for: (1) Conduct of a character likely to mislead, deceive or
176 defraud the public or the commissioner; (2) engaging in any untruthful
177 or misleading advertising; (3) failing to reimburse the guaranty fund
178 established pursuant to section 20-432, as amended by this act, for any
179 moneys paid to an owner pursuant to subsection (o) of section 20-432,
180 as amended by this act; (4) unfair or deceptive business practices; or (5)
181 violation of any of the provisions of the general statutes relating to
182 home improvements or any regulation adopted pursuant to any of
183 such provisions. The commissioner may refuse to issue or renew any
184 [certificate of registration as a home improvement] license as a
185 contractor or salesperson of any person subject to the registration
186 requirements of chapter 969.

187 (b) The commissioner shall not revoke or suspend any [certificate of
188 registration] license or require the posting of a bond except upon
189 notice and hearing in accordance with chapter 54.

190 Sec. 507. Subsection (e) of section 20-426a of the general statutes is
191 repealed and the following is substituted in lieu thereof (*Effective July*
192 *1, 2003*):

193 (e) The bond required by this section may be released by the
194 commissioner twelve months after the contractor ceases to be
195 [registered] licensed, if there are no claims pending against the bond.

196 Sec. 508. Section 20-427 of the general statutes is repealed and the
197 following is substituted in lieu thereof (*Effective July 1, 2003*):

198 (a) Each person engaged in making home improvements shall (1)
199 exhibit [his certificate of registration] such person's license upon
200 request by any interested party, (2) state in any advertisement the fact
201 that [he is registered] such person is licensed, and (3) include [his
202 registration] such person's license number in any advertisement.

203 (b) No person shall: (1) Present or attempt to present, as his or her
204 own, the [certificate] license of another, (2) knowingly give false
205 evidence of a material nature to the commissioner for the purpose of
206 procuring a [certificate] license, (3) represent himself or herself falsely
207 as, or impersonate, a [registered home improvement contractor or
208 salesman] licensed contractor or salesperson, (4) use or attempt to use
209 a [certificate] license which has expired or which has been suspended
210 or revoked, (5) offer to make or make any home improvement without
211 having a current [certificate of registration under this chapter] license
212 under this chapter or offer to make a home improvement beyond the
213 scope of the class of license for which the licensee is authorized to
214 practice, (6) represent in any manner that [his registration] such
215 person's license constitutes an endorsement of the quality of [his] such
216 person's workmanship or of [his] such person's competency by the
217 commissioner, (7) employ or allow any person to act as a [salesman on
218 his] salesperson on such person's behalf unless such person is
219 [registered as a home improvement salesman] licensed as a
220 salesperson, or (8) fail to refund the amount paid for a home
221 improvement within ten days of a written request mailed or delivered
222 to the contractor's last known address, if no substantial portion of the
223 contracted work has been performed at the time of the request and
224 more than thirty days has elapsed since the starting date specified in
225 the written contract, or more than thirty days has elapsed since the
226 date of the contract if such contract does not specify a starting date.

227 (c) In addition to any other remedy provided for in this chapter, (1)
228 any person who violates any provision of subsection (b) of this section,
229 except subdivision (5) or (8) of subsection (b) of this section, shall be
230 guilty of a class [B] A misdemeanor, and (2) any person who violates
231 the provisions of subdivision (5) or (8) of subsection (b) of this section

232 shall be guilty of a class [B] A misdemeanor if the home improvement
233 that is offered or made has a total cash price of ten thousand dollars or
234 less and shall be guilty of a class [A misdemeanor] D felony if the
235 home improvement that is offered or made has a total cash price of
236 more than ten thousand dollars. Notwithstanding subsection (d) of
237 section 53a-29 or section 54-56e, if the court determines that a
238 contractor cannot fully repay [his] such contractor's victims within the
239 period of probation established in subsection (d) of section 53a-29 or
240 section 54-56e, the court may impose probation for a period of not
241 more than five years. A violation of any of the provisions of this
242 chapter shall be deemed an unfair or deceptive trade practice under
243 subsection (a) of section 42-110b.

244 (d) The commissioner may, after notice and hearing in accordance
245 with the provisions of chapter 54, impose a civil penalty on any person
246 who engages in or practices the work or occupation for which a
247 [certificate of registration] license is required by this chapter without
248 having first obtained such a [certificate of registration] license or who
249 wilfully employs or supplies for employment a person who does not
250 have such a [certificate of registration] license or who wilfully and
251 falsely pretends to qualify to engage in or practice such work or
252 occupation, or who engages in or practices any of the work or
253 occupations for which a [certificate of registration] license is required
254 by this chapter after the expiration of [his certificate of registration]
255 such person's license or who violates any of the provisions of this
256 chapter or the regulations adopted pursuant [thereto] to this chapter.
257 Such penalty shall be in an amount not more than five hundred dollars
258 for a first violation of this subsection, not more than seven hundred
259 fifty dollars for a second violation of this subsection occurring not
260 more than three years after a prior violation and not more than one
261 thousand five hundred dollars for a third or subsequent violation of
262 this subsection occurring not more than three years after a prior
263 violation. Any civil penalty collected pursuant to this subsection shall
264 be deposited in the Consumer Protection Enforcement Fund
265 established in section 21a-8a.

266 (e) [Certificates issued to home improvement contractors or
267 salesmen] Licenses issued to contractors or salespersons shall not be
268 transferable or assignable.

269 (f) All [certificates] licenses issued under the provisions of this
270 chapter shall expire annually. The fee for renewal of a [certificate]
271 license shall be the same as the fee charged for an original application.

272 (g) The renewal fee for a [certificate of registration] license as a
273 home improvement contractor acting solely [as the contractor of record
274 for a registration as a home improvement contractor acting solely] as
275 the contractor of record for a corporation, shall be waived, if such
276 contractor uses such [registration] license for the sole purpose of
277 directing, supervising or performing home improvements for such
278 corporation.

279 (h) Failure to receive a notice of expiration or a renewal application
280 shall not exempt a contractor or [salesman] salesperson from the
281 obligation to renew.

282 (i) No contractor shall commence work unless each applicable
283 building or construction permit has been obtained as may be required
284 under the general statutes or local ordinances.

285 Sec. 509. Subsection (a) of section 20-429 of the general statutes is
286 repealed and the following is substituted in lieu thereof (*Effective July*
287 *1, 2003*):

288 (a) No home improvement contract shall be valid or enforceable
289 against an owner unless it: (1) Is in writing, (2) is signed by the owner
290 and the contractor, (3) contains the entire agreement between the
291 owner and the contractor, (4) contains the date of the transaction, (5)
292 contains the name and address of the contractor, (6) contains a notice
293 of the owner's cancellation rights in accordance with the provisions of
294 chapter 740, (7) contains a starting date and completion date, and (8) is
295 entered into by a [registered salesman or registered] licensed
296 salesperson or licensed contractor. Each change in the terms and

297 conditions of a contract shall be in writing and shall be signed by the
298 owner and contractor, except that the commissioner may, by
299 regulation, dispense with the necessity for complying with the
300 requirement that each change in a home improvement contract shall be
301 in writing and signed by the owner and contractor.

302 Sec. 510. Section 20-429a of the general statutes is repealed and the
303 following is substituted in lieu thereof (*Effective July 1, 2003*):

304 No contractor or [salesman] salesperson shall solicit or otherwise
305 endeavor to procure home improvement work or a home
306 improvement contract from an owner by notifying the owner that a
307 contractor will commence home improvement work unless the owner
308 instructs the contractor not to commence such work by a date
309 determined by the contractor.

310 Sec. 511. Section 20-432 of the general statutes is repealed and the
311 following is substituted in lieu thereof (*Effective July 1, 2003*):

312 (a) The commissioner shall establish and maintain the Home
313 Improvement Guaranty Fund.

314 (b) Each [salesman] salesperson who receives a [certificate] license
315 pursuant to this chapter shall pay a fee of forty dollars annually. Each
316 contractor who receives a [certificate] license pursuant to this chapter
317 shall pay a fee of one hundred dollars annually to the guaranty fund.
318 [Said] Such fee shall be payable with the fee for an application for a
319 [certificate] license or renewal thereof. The annual fee for a contractor
320 who receives a [certificate of registration as a home improvement]
321 license as a contractor acting solely as the contractor of record for a
322 corporation, shall be waived, provided the contractor of record shall
323 use such [registration] license for the sole purpose of directing,
324 supervising or performing home improvements for such corporation.

325 (c) Payments received under subsection (b) of this section shall be
326 credited to the guaranty fund until the balance in such fund equals
327 seven hundred fifty thousand dollars. Annually, if such fund has an

328 excess, the first four hundred thousand dollars of the excess shall be
329 deposited into the Consumer Protection Enforcement Fund established
330 in section 21a-8a. Any excess thereafter shall be deposited in the
331 General Fund. Any money in the guaranty fund may be invested or
332 reinvested in the same manner as funds of the state employees
333 retirement system, and the interest arising from such investments shall
334 be credited to the guaranty fund.

335 (d) Whenever an owner obtains a court judgment against any
336 contractor holding a [certificate] license or who has held a [certificate]
337 license under this chapter within the past two years of the effective
338 date of entering into the contract with the owner, for loss or damages
339 sustained by reason of performance of or offering to perform a home
340 improvement within this state by a contractor holding a [certificate]
341 license under this chapter, such owner may, upon the final
342 determination of, or expiration of time for, appeal in connection with
343 any such judgment, apply to the commissioner for an order directing
344 payment out of said guaranty fund of the amount unpaid upon the
345 judgment for actual damages and costs taxed by the court against the
346 contractor, exclusive of punitive damages. The application shall be
347 made on forms provided by the commissioner and shall be
348 accompanied by a certified copy of the court judgment obtained
349 against the contractor together with a notarized affidavit, signed and
350 sworn to by the owner, affirming that: (1) [He] The owner has
351 complied with all the requirements of this subsection; (2) [he] the
352 owner has obtained a judgment stating the amount thereof and the
353 amount owing thereon at the date of application; and (3) [he] the
354 owner has caused to be issued a writ of execution upon [said] the
355 judgment, and the officer executing the same has made a return
356 showing that no bank accounts or real property of the contractor liable
357 to be levied upon in satisfaction of the judgment could be found, or
358 that the amount realized on the sale of them or of such of them as were
359 found, under the execution, was insufficient to satisfy the actual
360 damage portion of the judgment or stating the amount realized and
361 the balance remaining due on the judgment after application thereon

362 of the amount realized, except that the requirements of this
363 subdivision shall not apply to a judgment obtained by the owner in
364 small claims court. A true and attested copy of [said] the executing
365 officer's return, when required, shall be attached to such application
366 and affidavit. No application for an order directing payment out of the
367 guaranty fund shall be made later than two years from the final
368 determination of, or expiration time for, appeal of [said] the court
369 judgment.

370 (e) Upon receipt of [said] such application together with [said] such
371 certified copy of the court judgment, notarized affidavit and true and
372 attested copy of the executing officer's return, the commissioner or
373 [his] the commissioner's designee shall inspect such documents for
374 their veracity and upon a determination that such documents are
375 complete and authentic, and a determination that the owner has not
376 been paid, the commissioner shall order payment out of the guaranty
377 fund of the amount unpaid upon the judgment for actual damages and
378 costs taxed by the court against the contractor, exclusive of punitive
379 damages.

380 (f) Whenever an owner is awarded an order of restitution against
381 any contractor for loss or damages sustained by reason of performance
382 of or offering to perform a home improvement in this state by a
383 contractor holding a [certificate] license or who has held a [certificate]
384 license under this chapter within the past two years of the date of
385 entering into the contract with the owner, in a proceeding brought by
386 the commissioner pursuant to this section or subsection (d) of section
387 42-110d, or in a proceeding brought by the Attorney General pursuant
388 to subsection (a) of section 42-110m or subsection (d) of section 42-
389 110d, or a criminal proceeding pursuant to section 20-427, as amended
390 by this act, such owner may, upon the final determination of, or
391 expiration of time for, appeal in connection with any such order of
392 restitution, apply to the commissioner for an order directing payment
393 out of [said] the guaranty fund of the amount unpaid upon [the] such
394 order of restitution. The commissioner may issue [said] such order
395 upon a determination that the owner has not been paid.

396 (g) Before the commissioner shall issue any order directing payment
397 out of the guaranty fund to an owner pursuant to subsections (e) or (f)
398 of this section, the commissioner shall first notify the contractor of the
399 owner's application for an order directing payment out of the guaranty
400 fund and of the contractor's right to a hearing to contest the
401 disbursement in the event that the contractor has already paid the
402 owner. Such notice shall be given to the contractor within fifteen days
403 of the receipt by the commissioner of the owner's application for an
404 order directing payment out of the guaranty fund. If the contractor
405 requests a hearing in writing by certified mail within fifteen days of
406 receipt of the notice from the commissioner, the commissioner shall
407 grant such request and shall conduct a hearing in accordance with the
408 provisions of chapter 54. If the commissioner receives no written
409 request by certified mail from the contractor for a hearing within
410 fifteen days of the contractor's receipt of such notice, the commissioner
411 shall determine that the owner has not been paid, and the
412 commissioner shall issue an order directing payment out of the
413 guaranty fund for the amount unpaid upon the judgment for actual
414 damages and costs taxed by the court against the contractor, exclusive
415 of punitive damages, or for the amount unpaid upon the order of
416 restitution.

417 (h) The commissioner or [his] the commissioner's designee may
418 proceed against any contractor holding a [certificate] license or who
419 has held a [certificate] license under this chapter within the past two
420 years of the effective date of entering into the contract with the owner,
421 for an order of restitution arising from loss or damages sustained by
422 any person by reason of such contractor's performance of or offering to
423 perform a home improvement in this state. Any such proceeding shall
424 be held in accordance with the provisions of chapter 54. In the course
425 of such proceeding, the commissioner or [his] the commissioner's
426 designee shall decide whether to exercise [his] the commissioner's
427 powers pursuant to section 20-426, as amended by this act; whether to
428 order restitution arising from loss or damages sustained by any person
429 by reason of such contractor's performance or offering to perform a

430 home improvement in this state; and whether to order payment out of
431 the guaranty fund. Notwithstanding the provisions of chapter 54, the
432 decision of the commissioner or [his] the commissioner's designee shall
433 be final with respect to any proceeding to order payment out of the
434 guaranty fund and the commissioner and [his] the commissioner's
435 designee are exempted from the requirements of chapter 54 as they
436 relate to appeal from any such decision. The commissioner or [his] the
437 commissioner's designee may hear complaints of all owners
438 submitting claims against a single contractor in one proceeding.

439 (i) No application for an order directing payment out of the
440 guaranty fund shall be made later than two years from the final
441 determination of, or expiration of time for, appeal in connection with
442 any judgment or order of restitution.

443 (j) Whenever the owner satisfies the commissioner or [his] the
444 commissioner's designee that it is not practicable to comply with the
445 requirements of subdivision (3) of subsection (d) of this section and
446 that the owner has taken all reasonable steps to collect the amount of
447 the judgment or the unsatisfied part thereof and has been unable to
448 collect the same, the commissioner or [his] the commissioner's
449 designee may in his or her discretion dispense with the necessity for
450 complying with such requirement.

451 (k) In order to preserve the integrity of the guaranty fund, the
452 commissioner, in the commissioner's sole discretion, may order
453 payment out of said fund of an amount less than the actual loss or
454 damages incurred by the owner or less than the order of restitution
455 awarded by the commissioner or the Superior Court. In no event shall
456 any payment out of [said] the guaranty fund be in excess of fifteen
457 thousand dollars for any single claim by an owner.

458 (l) If the money deposited in the guaranty fund is insufficient to
459 satisfy any duly authorized claim or portion thereof, the commissioner
460 shall, when sufficient money has been deposited in the fund, satisfy
461 such unpaid claims or portions thereof, in the order that such claims or

462 portions thereof were originally determined.

463 (m) When the commissioner has caused any sum to be paid from
464 the guaranty fund to an owner, the commissioner shall be subrogated
465 to all of the rights of the owner up to the amount paid plus reasonable
466 interest, and prior to receipt of any payment from the guaranty fund,
467 the owner shall assign all of [this] the owner's right, title and interest in
468 the claim up to such amount to the commissioner, and any amount
469 and interest recovered by the commissioner on the claim shall be
470 deposited to the guaranty fund.

471 (n) If the commissioner orders the payment of any amount as a
472 result of a claim against a contractor, the commissioner shall determine
473 if the contractor is possessed of assets liable to be sold or applied in
474 satisfaction of the claim on the guaranty fund. If the commissioner
475 discovers any such assets, he or she may request that the Attorney
476 General take any action necessary for the reimbursement of the
477 guaranty fund.

478 (o) If the commissioner orders the payment of an amount as a result
479 of a claim against a contractor, the commissioner may, after notice and
480 hearing in accordance with the provisions of chapter 54, revoke the
481 [certificate] license of the contractor and the contractor shall not be
482 eligible to receive a new or renewed [certificate until he] license until
483 such contractor has repaid such amount in full, plus interest from the
484 time [said] the payment is made from the guaranty fund, at a rate to be
485 in accordance with section 37-3b, except that the commissioner may, in
486 his or her sole discretion, permit a contractor to receive a new or
487 renewed [certificate] license after that contractor has entered into an
488 agreement with the commissioner whereby the contractor agrees to
489 repay the guaranty fund in full in the form of periodic payments over a
490 set period of time. Any such agreement shall include a provision
491 providing for the summary suspension of any and all [certificates]
492 licenses held by the contractor if payment is not made in accordance
493 with the terms of the agreement.

494 Sec. 512. (*Effective July 1, 2003*) Section 20-420a of the general statutes
495 is repealed."