



Senate

General Assembly

File No. 52

February Session, 2004

Substitute Senate Bill No. 136

Senate, March 15, 2004

The Committee on General Law reported through SEN. COLAPIETRO of the 31st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING REGISTERING UNDERGROUND FUEL TANK REMOVERS.

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

1 Section 1. Section 20-419 of the general statutes, as amended by
2 section 146 of public act 03-6 of the June 30 special session, is repealed
3 and the following is substituted in lieu thereof (*Effective October 1,*
4 *2004*):

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

6 (1) "Certificate" means a certificate of registration issued under
7 section 20-422.

8 (2) "Commissioner" means the Commissioner of Agriculture and
9 Consumer Protection or any person designated by the commissioner to
10 administer and enforce this chapter.

11 (3) "Contractor" means any person who owns and operates a home

12 improvement business or who undertakes, offers to undertake or
13 agrees to perform any home improvement. "Contractor" does not
14 include a person for whom the total cash price of all of his home
15 improvement contracts with all of his customers does not exceed one
16 thousand dollars during any period of twelve consecutive months.

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

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

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

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

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

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

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

66 (11) "Residential underground heating oil storage tank system"
67 means an underground storage tank system used with or without
68 ancillary components in connection with real property composed of
69 four or less residential units.

70 (12) "Underground storage tank system" means an underground
71 tank or combination of tanks, with any underground pipes or ancillary
72 equipment or containment systems connected to such tank or tanks,
73 used to contain an accumulation of petroleum, which volume is ten
74 per cent or more beneath the surface of the ground.

75 Sec. 2. Subsection (a) of section 20-420 of the general statutes, as

76 amended by section 1 of public act 03-186, is repealed and the
77 following is substituted in lieu thereof (*Effective October 1, 2004*):

78 (a) No person shall hold oneself out to be a contractor or salesperson
79 without first obtaining a certificate of registration from the
80 commissioner as provided in this chapter, except that an individual or
81 partner, or officer or director of a corporation registered as a contractor
82 shall not be required to obtain a salesperson's certificate. No certificate
83 shall be given to any person who holds oneself out to be a contractor
84 that performs radon mitigation unless such contractor provides
85 evidence, satisfactory to the commissioner, that the contractor is
86 certified as a radon mitigator by the National Radon Safety Board or
87 the National Environmental Health Association. No certificate shall be
88 given to any person who holds oneself out to be a contractor that
89 performs removal or replacement of any residential underground
90 heating oil storage tank system unless such contractor provides
91 evidence, satisfactory to the commissioner, that the contractor (1) has
92 completed a hazardous material training program approved by the
93 Department of Environmental Protection, (2) has presented evidence
94 of liability insurance coverage of one million dollars, and (3) has
95 presented evidence of a surety bond in an amount not less than two
96 hundred fifty thousand dollars.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>

Statement of Legislative Commissioners:

The title of the bill was changed from "LICENSING UNDERGROUND FUEL TANK REMOVERS" to "REGISTERING UNDERGROUND FUEL TANK REMOVERS" for accuracy.

GL *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Consumer Protection, Dept.	GF - Revenue Gain	Less than \$15,000	Less than \$15,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill would require underground fuel tank removers to comply with the home improvement contractor licensing provisions. In addition to insurance and surety bond requirements, underground fuel tank removers would be subject to the same registration fee as other home improvement contractors. An additional 75 underground fuel tank removers registering as home improvement contractors is anticipated as a result of the bill. Each home improvement contractor pays a registration fee of \$160. Therefore, there will be a minimal revenue gain.

OLR Bill Analysis

sSB 136

AN ACT CONCERNING REGISTERING UNDERGROUND FUEL TANK REMOVERS**SUMMARY:**

This bill prohibits the consumer protection commissioner from issuing a home improvement contractor registration certificate to a contractor who holds himself out to be an underground fuel tank remover unless the applicant can show that he has (1) completed a hazardous material training program approved by the Department of Environmental Protection, (2) presented evidence of liability insurance coverage of \$1 million, and (3) presented evidence of a surety bond of at least \$250,000.

The bill explicitly makes the Home Improvement Act apply to the removal or replacement of residential underground heating oil storage tank systems. Currently, the act generally applies to, among other things, the repair, replacement, or improvement of land or buildings used as private residences. The bill defines "residential underground heating oil storage tank systems" as underground storage tank systems used in connection with property having four or fewer residential units. It defines "underground storage tank systems" as underground tanks or tank combinations, with underground pipes and ancillary equipment or connected containment systems used to contain petroleum, that is at least 10% underground.

EFFECTIVE DATE: October 1, 2004

COMMITTEE ACTION

General Law Committee

Joint Favorable Report

Yea 16 Nay 0