



Senate

General Assembly

File No. 178

February Session, 2004

Substitute Senate Bill No. 289

Senate, March 23, 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 HOME HEATING OIL DEALERS.

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

1 Section 1. Section 16a-23m 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2 section 146 of public act 03-6 of the June 30 special session, is repealed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 (a) On or after October 1, 2001, no person, firm or corporation shall
6 engage in the retail sale of home heating oil without a certificate of
7 registration as a home heating oil dealer issued pursuant to this
8 section.

9 (b) Each person, firm or corporation seeking registration as a home
10 heating oil dealer shall apply annually for a certificate of registration
11 with the Department of Agriculture and Consumer Protection on
12 forms prescribed by the Commissioner of Agriculture and Consumer
13 Protection. Each applicant shall pay a registration fee of one hundred

14 dollars. The commissioner shall require all applicants for registration
15 as a home heating oil dealer to provide evidence of general liability
16 insurance coverage and insurance to cover any potential
17 environmental damage due to fuel oil spills caused by such applicant
18 as a registered dealer which coverage shall be not less than one million
19 dollars. Each registered dealer shall provide the department with
20 evidence of each renewal of or change to such insurance coverage not
21 later than five days after such renewal or change during the period of
22 registration, which renewal or change shall meet the requirements of
23 this subsection.

24 (c) Each registered dealer shall display its registration number in all
25 advertisements and other materials prepared or issued by the dealer,
26 which contain information on such dealer.

27 (d) The insurance company of a home heating oil dealer shall notify
28 the Commissioner of Agriculture and Consumer Protection, in writing,
29 upon cancellation of insurance required by subsection (b) of this
30 section by any home heating oil dealer. The Commissioner of
31 Agriculture and Consumer Protection shall revoke the registration of
32 any such dealer without the insurance coverage required by subsection
33 (b) of this section.

34 Sec. 2. Section 16a-23n of the general statutes is repealed and the
35 following is substituted in lieu thereof (*Effective October 1, 2004*):

36 (a) A contract for the retail sale of home heating oil that offers a
37 guaranteed price plan, including fixed price contracts and any other
38 similar terms, shall be in writing and the terms and conditions of such
39 price plans shall be disclosed. Such disclosure shall be in plain
40 language and shall immediately follow the language concerning the
41 price or service that could be affected and shall be printed in no less
42 than twelve-point boldface type of uniform font.

43 (b) A home heating oil dealer that advertises a price shall offer said
44 price for a period of no less than twenty-four hours or until the next
45 advertised price is publicized, whichever occurs first.

46 Sec. 3. (NEW) (*Effective October 1, 2004*) The Department of
47 Agriculture and Consumer Protection shall establish a list of all
48 registered home heating oil dealers. The department shall make the list
49 available to all wholesalers of home heating oil doing business in the
50 state and such wholesalers shall only sell to the registered home
51 heating oil dealers on said list.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>

GL *Joint Favorable Subst.*

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 - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Department of Agriculture and Consumer Protection to establish a list of all registered home heating oil dealers and make it available to all Connecticut wholesalers. Under the bill, the commissioner is required to revoke the registration of a home heating oil dealer without required insurance. There are currently, 534 registered home heating oil dealers in the state. Although the bill increases the regulatory responsibilities and makes other changes to requirements for home heating oil dealers, it has no fiscal impact on the Department of Consumer Protection.

OLR Bill Analysis

sSB 289

AN ACT CONCERNING HOME HEATING OIL DEALERS**SUMMARY:**

This bill requires a home heating oil dealer that advertises a price to offer that price for at least 24 hours or until the next advertised price, whichever comes first. It prohibits a home heating oil wholesaler from selling to anyone other than a registered dealer. It requires the Department of Agriculture and Consumer Protection (DACP) to establish a list of all registered dealers and make it available to all Connecticut wholesalers.

The bill requires a dealer's insurance company to notify the DACP commissioner in writing when it cancels required insurance. The law requires dealers to have general liability insurance coverage and \$1 million coverage for environmental damage. The bill requires the commissioner to revoke the registration of a dealer without the required insurance.

Finally, it requires registered dealers to display their registration numbers in all advertisements and in other dealer-prepared or -issued materials that contain information about the dealer.

EFFECTIVE DATE: October 1, 2004

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 19 Nay 0