



General Assembly

**Substitute Bill No. 136**

February Session, 2004

\* SB00136GL 030304 \*

**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2 section 146 of public act 03-6 of the June 30 special session, is repealed  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*