



House of Representatives

General Assembly

File No. 181

January Session, 2005

Substitute House Bill No. 6827

House of Representatives, April 5, 2005

The Committee on Labor and Public Employees reported through REP. RYAN, K. of the 139th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING PENALTIES FOR VIOLATIONS OF
APPRENTICE PERMIT AND OCCUPATIONAL LICENSING LAWS.***

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

1 Section 1. Subsection (b) of section 20-341 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2005*):

4 (b) The appropriate examining board may, after notice and hearing,
5 impose a civil penalty on any person who engages in or practices the
6 work or occupation for which a license or apprentice registration
7 certificate is required by this chapter, chapter 394 or chapter 482
8 without having first obtained such a certificate or license, or who
9 wilfully employs or supplies for employment a person who does not
10 have such a license or certificate or who wilfully and falsely pretends
11 to qualify to engage in or practice such work or occupation, or who
12 engages in or practices any of the work or occupations for which a

13 license or certificate is required by this chapter, chapter 394 or chapter
 14 482 after the expiration of the license or certificate or who violates any
 15 of the provisions of this chapter, chapter 394 or chapter 482 or the
 16 regulations adopted pursuant thereto. Such penalty shall be in an
 17 amount not more than [one] two thousand dollars for a first violation
 18 of this subsection, not more than [one thousand five hundred] three
 19 thousand dollars for a second violation and not more than [three] six
 20 thousand dollars for each violation of this subsection occurring less
 21 than three years after a second or subsequent violation of this
 22 subsection, except that any individual employed as an apprentice but
 23 improperly registered shall not be penalized for a first offense.

24 Sec. 2. Section 20-341 of the general statutes is amended by adding
 25 subsection (d) as follows (*Effective October 1, 2005*):

26 (NEW) (d) A civil penalty imposed, after any appeals have been
 27 exhausted, upon a person pursuant to this section shall be remitted in
 28 full not later than forty-five days after imposition, unless such person
 29 enters into an agreement with the commissioner or the commissioner's
 30 authorized designee to pay the civil penalty in installments. Failure to
 31 remit the full amount of the civil penalty within the forty-five-day
 32 period or failure to pay an installment payment by the agreed upon
 33 date shall constitute cause for the commissioner or the appropriate
 34 examining board to suspend or refuse to issue any license, certificate
 35 or registration held or sought by such person until such time as the
 36 civil penalty has been satisfied in full.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	20-341(b)
Sec. 2	<i>October 1, 2005</i>	20-341

LAB *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 06 \$	FY 07 \$
Consumer Protection, Dept.	DCP Enforcement Fund - Revenue Gain	Up to 200,000	Up to 200,000

Municipal Impact: None

Explanation

This bill doubles the civil penalties that occupational licensing boards can impose on persons performing or providing work without the appropriate occupational license or apprenticeship certificate. In FY 04, the Department of Consumer Protection collected \$176,605 in occupational licensing fines, all of which were deposited in the Consumer Protection Enforcement Fund. To the extent that the bill increases the maximum civil penalty that can be imposed for certain violations, the bill could result in a revenue gain.

OLR Bill Analysis

sHB 6827

**AN ACT CONCERNING PENALTIES FOR VIOLATIONS OF
APPRENTICE PERMIT AND OCCUPATIONAL LICENSING LAWS**

SUMMARY:

This bill increases the maximum penalties that occupational licensing boards within the Department of Consumer Protection can impose for apprentice permit and occupational licensing law violations. The maximum fines increase:

1. from \$1,000 to \$2,000 for a first offense,
2. from \$1,500 to \$3,000 for a second offense, and
3. from \$3,000 to \$6,000 for offenses occurring less than three years after a second or subsequent violation.

By law unchanged by the bill, individuals working as apprentices but who are not properly registered are not penalized for the first offense.

The bill also sets a 45-day deadline, after all appeals are exhausted, for fines to be paid in full, unless the person enters into an agreement with the consumer protection commissioner to pay in installments. When a person fails to pay the full amount or an installment payment on time the appropriate examining board or commissioner must suspend or refuse to issue a license or certificate of registration until the penalty is paid in full.

EFFECTIVE DATE: October 1, 2005

VIOLATIONS

The bill increases the civil penalties for (1) working without a required license or certificate, (2) willfully employing or providing for employment someone without a required credential, (3) willfully and falsely pretending to qualify for a credential, (4) working with an expired credential, or (5) violating any licensing law or implementing

regulation. By law, the penalties may be imposed only after a hearing.

TYPES OF OCCUPATIONAL BOARDS

The bill, like current law, applies to the boards that issue occupational licenses and apprentice certificates for:

1. electrical work;
2. heating, piping, and cooling work and sheet metal work;
3. plumbing and piping work and well-drilling;
4. elevator installation, repair, and maintenance;
5. fire protection sprinkler systems work;
6. automotive glass and flat glass work; and
7. television, radio, and electronics work.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 12 Nay 0