



Senate

General Assembly

File No. 114

February Session, 2006

Senate Bill No. 563

Senate, March 23, 2006

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 bill ought to pass.

AN ACT CONCERNING DEPARTMENT OF CONSUMER PROTECTION LICENSING BOARDS AND CIVIL PENALTIES.

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

1 Section 1. Section 20-294 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) The board may suspend for a definite period, not to exceed one
4 year, or revoke any license or certificate of authority issued under this
5 chapter, after notice and hearing in accordance with the regulations
6 adopted by the Commissioner of Consumer Protection, or may
7 officially censure any person holding any such license or certificate of
8 authority, (1) if it is shown that the license or certificate was obtained
9 through fraud or misrepresentation, (2) if the holder of the license or
10 certificate has been found guilty by the board or by a court of
11 competent jurisdiction of any fraud or deceit in such holder's
12 professional practice or has been convicted of a felony, (3) if the holder
13 of the license or certificate has been found guilty by the board of gross
14 incompetency or of negligence in the planning or construction of

15 buildings, or (4) if it is shown to the satisfaction of the board that the
16 holder of the license or certificate has violated any provision of this
17 chapter or any regulation adopted under this chapter. The board may
18 reissue any such license or certificate which has been revoked, and
19 may modify the suspension of any such license or certificate which has
20 been suspended.

21 (b) The board may, after notice and hearing, impose a civil penalty
22 on any person who engages in or practices the work or occupation for
23 which a certificate or license is required by this chapter without having
24 first obtained such a certificate or license, or who wilfully employs or
25 supplies for employment a person who does not have such a certificate
26 or license or who wilfully and falsely pretends to qualify to engage in
27 or practice such work or occupation, or who engages in or practices
28 any of the work or occupations for which a certificate or license is
29 required by this chapter after the expiration of the certificate or license
30 or who violates any of the provisions of this chapter or regulations
31 adopted under this chapter. Such penalty shall be in an amount not
32 more than one thousand dollars for a first violation of this subsection,
33 not more than one thousand five hundred dollars for a second
34 violation and not more than three thousand dollars for each violation
35 of this subsection occurring less than three years after a second or
36 subsequent violation of this subsection.

37 Sec. 2. Section 20-373 of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective October 1, 2006*):

39 (a) After notice and opportunity for hearing as provided in the
40 regulations adopted by the Commissioner of Consumer Protection, the
41 board may suspend for a definite period, not to exceed one year, or
42 may revoke any license or may officially censure any person holding a
43 license if it is shown that the license was obtained through fraud or
44 misrepresentation; or if the holder of the license has been found guilty
45 by the board or by a court of competent jurisdiction of any fraud or
46 deceit in his professional practice; or if the holder of the license has
47 been found guilty by the board of gross negligence or gross

48 incompetency; or if the board has found that the licensee has violated
49 any provision of this chapter, or the regulations adopted pursuant to
50 this chapter. The Secretary of the State shall be immediately notified of
51 such suspension or revocation. Appeals from the decisions of the
52 board may be taken as provided in section 4-183, except such appeals
53 shall be made returnable to the judicial district of New Britain. The
54 board may authorize the Department of Consumer Protection to
55 reissue any license which has been revoked, and it may modify the
56 suspension of any license which has been suspended.

57 (b) The board may, after notice and hearing, impose a civil penalty
58 on any person who engages in or practices the work or occupation for
59 which a license is required by this chapter without having first
60 obtained such a license, or who wilfully employs or supplies for
61 employment a person who does not have such a license or who
62 wilfully and falsely pretends to qualify to engage in or practice such
63 work or occupation, or who engages in or practices any of the work or
64 occupations for which a license is required by this chapter after the
65 expiration of the license or who violates any of the provisions of this
66 chapter or regulations adopted under this chapter. Such penalty shall
67 be in an amount not more than one thousand dollars for a first
68 violation of this subsection, not more than one thousand five hundred
69 dollars for a second violation and not more than three thousand
70 dollars for each violation of this subsection occurring less than three
71 years after a second or subsequent violation of this subsection.

72 Sec. 3. Section 20-307a of the general statutes is repealed and the
73 following is substituted in lieu thereof (*Effective October 1, 2006*):

74 (a) The Department of Consumer Protection may, upon request of
75 the board or on its own motion, inquire into the existence of violations
76 of the provisions of this chapter. If, after notice and opportunity for
77 hearing as provided in the regulations adopted by the Commissioner
78 of Consumer Protection, the board determines that a violation of any
79 provision of this chapter or any regulation adopted under this chapter
80 exists, the board may issue an appropriate order to the person or

81 persons found to be so violating such provision or regulation,
82 providing for the immediate discontinuance of such violation.

83 (b) The board may, after notice and hearing, impose a civil penalty
84 on any person who engages in or practices the work or occupation for
85 which a license is required by this chapter without having first
86 obtained such a license, or who wilfully employs or supplies for
87 employment a person who does not have such a license or who
88 wilfully and falsely pretends to qualify to engage in or practice such
89 work or occupation, or who engages in or practices any of the work or
90 occupations for which a license is required by this chapter after the
91 expiration of the license or who violates any of the provisions of this
92 chapter or regulations adopted under this chapter. Such penalty shall
93 be in an amount not more than one thousand dollars for a first
94 violation of this subsection, not more than one thousand five hundred
95 dollars for a second violation and not more than three thousand
96 dollars for each violation of this subsection occurring less than three
97 years after a second or subsequent violation of this subsection.

98 Sec. 4. Section 20-656 of the general statutes is repealed and the
99 following is substituted in lieu thereof (*Effective October 1, 2006*):

100 (a) In addition to any action that may be taken by the board
101 pursuant to subsection (c) of section 21a-9, the board may suspend or
102 revoke the license of a shorthand reporter under subdivision (7) of
103 section 21a-7 for:

104 (1) Failing to deliver a transcript to a client or a court in a timely
105 manner;

106 (2) Producing an incomplete transcript, except upon the order of a
107 court, agreement of the parties or request of a party;

108 (3) Failing to charge all parties or their attorneys the same rate for
109 like services performed in a proceeding, including any charge for a
110 copy of the transcript;

111 (4) Failing to notify all parties or their attorneys of a request for all

112 or part of a transcript in sufficient time for copies to be prepared and
113 delivered to such parties or attorneys simultaneously with the delivery
114 of the original request;

115 (5) (A) Giving, directly or indirectly, any gift, incentive, reward or
116 other thing of value to an attorney, the attorney's clients, or the
117 representatives or agents of such attorney or clients, or (B) directly or
118 indirectly benefiting from or being employed as a result of any gift,
119 incentive, reward or other thing of value given by any person to an
120 attorney, the attorney's clients, or the representatives or agents of such
121 attorney or clients;

122 (6) The reporting of any proceeding where the licensed shorthand
123 reporter is a relative of a party to the proceeding or an attorney
124 representing a party to the proceeding within the second degree by
125 affinity or consanguinity; or

126 (7) The reporting of any proceeding where the licensed shorthand
127 reporter has a financial interest in the proceeding or is associated with
128 a firm which has a financial interest in the proceeding.

129 (b) The board may, after notice and hearing, impose a civil penalty
130 on any person who engages in or practices the work or occupation for
131 which a license is required by this chapter without having first
132 obtained such a license, or who wilfully employs or supplies for
133 employment a person who does not have such a license or who
134 wilfully and falsely pretends to qualify to engage in or practice such
135 work or occupation, or who engages in or practices any of the work or
136 occupations for which a license is required by this chapter after the
137 expiration of the license or who violates any of the provisions of this
138 chapter or regulations adopted under this chapter. Such penalty shall
139 be in an amount not more than one thousand dollars for a first
140 violation of this subsection, not more than one thousand five hundred
141 dollars for a second violation and not more than three thousand
142 dollars for each violation of this subsection occurring less than three
143 years after a second or subsequent violation of this subsection.

This act shall take effect as follows and shall amend the following sections:

| | | |
|-----------|------------------------|---------|
| Section 1 | <i>October 1, 2006</i> | 20-294 |
| Sec. 2 | <i>October 1, 2006</i> | 20-373 |
| Sec. 3 | <i>October 1, 2006</i> | 20-307a |
| Sec. 4 | <i>October 1, 2006</i> | 20-656 |

GL *Joint Favorable*

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 07 \$ | FY 08 \$ |
|----------------------------|-------------------|-------------|-------------|
| Consumer Protection, Dept. | GF - Revenue Gain | Significant | Significant |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill authorizes the Architectural Licensing Board, the State Board of Landscape Architects, the State Board of Examiners for Professional Engineers and Land Surveyors, and the State Board of Examiners of Shorthand Reporters to impose civil penalties for certain violations. The bill also authorizes a fine of up to \$1,000 for the first offense, up to \$1,500 for the second offense, and up to \$3,000 for subsequent offenses occurring less than three years after the second or subsequent violation. Although the exact number of individuals in violation of the bill is unknown, it is estimated that the bill could result in a significant revenue gain.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis
SB 563

***AN ACT CONCERNING DEPARTMENT OF CONSUMER
PROTECTION LICENSING BOARDS AND CIVIL PENALTIES.***

SUMMARY:

This bill authorizes four boards in the Department of Consumer Protection to impose civil penalties for (1) working without a required license, (2) willfully employing or supplying an unlicensed individual for employment, (3) willfully and falsely pretending to qualify to practice the profession, (4) working after the expiration of one's license, or (5) violating any provision of their respective licensing laws. The authorized boards are the Architectural Licensing Board, State Board of Landscape Architects, State Board of Examiners for Professional Engineers and Land Surveyors, and State Board of Examiners of Shorthand Reporters.

The bill authorizes the boards to impose up to \$1,000 for a first offense, up to \$1,500 for a second offense, and up to \$3,000 for subsequent offenses occurring less than three years after second or subsequent violation.

EFFECTIVE DATE: October 1, 2006

BACKGROUND

Related Bill

SB 173 authorizes the Architectural Licensing Board to impose a civil penalty of up to \$1,000.

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 15 Nay 0 (03/09/2006)