



General Assembly

February Session, 2006

Raised Bill No. 172

LCO No. 1480

01480 _____ GL_

Referred to Committee on General Law

Introduced by:

(GL)

***AN ACT MAKING TECHNICAL CHANGES TO THE STATUTES
CONCERNING THE REGISTRATION OF NEW HOME CONSTRUCTION
CONTRACTORS.***

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

1 Section 1. Section 20-417a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 As used in this section, sections 20-417b to [20-417i] 20-417j,
4 inclusive, as amended by this act; [, and subsection (b) of section 20-
5 421:]

6 (1) "Certificate" means a certificate of registration issued under
7 section 20-417b, as amended by this act;

8 (2) "Commissioner" means the Commissioner of Consumer
9 Protection or any person designated by the commissioner to
10 administer and enforce this section, sections 20-417b to [20-417i] 20-
11 417j, inclusive, as amended by this act; [, and subsection (b) of section
12 20-421:]

13 (3) "Contract" means any agreement between a new home

14 construction contractor and a consumer for the construction or sale of a
15 new home or any portion of a new home prior to occupancy;

16 (4) "Engage in the business" means that the person engages in the
17 business for the purpose of compensation or profit;

18 (5) "New home construction contractor" means any person who
19 contracts with a consumer to construct or sell a new home or any
20 portion of a new home prior to occupancy;

21 (6) "New home" means any newly constructed (A) single-family
22 dwelling unit, (B) dwelling consisting of not more than two units, or
23 (C) unit, common element or limited common element in a
24 condominium, as defined in section 47-68a, or in a common interest
25 community, as defined in section 47-202;

26 (7) "Person" means one or more individuals, partnerships,
27 associations, corporations, limited liability companies, business trusts,
28 legal representatives or any organized group of persons;

29 (8) "Consumer" means the buyer or prospective buyer, or the
30 buyer's or prospective buyer's heirs or designated representatives, of
31 any new home or the owner of property on which a new home is being
32 or will be constructed regardless of whether such owner obtains a
33 building permit as the owner of the premises affected pursuant to
34 section 29-263; and

35 (9) "Completion" means the stage of construction of a new home in
36 which the new home construction contractor is in receipt of [such new
37 home's] the certificate of occupancy for such new home issued by the
38 municipality in which such new home is constructed.

39 Sec. 2. Subsection (a) of section 20-417b of the general statutes is
40 repealed and the following is substituted in lieu thereof (*Effective from*
41 *passage*):

42 (a) No person shall engage in the business of new home

43 construction or hold himself or herself out as a new home construction
44 contractor unless such person has been issued a certificate of
45 registration by the commissioner in accordance with the provisions of
46 sections 20-417a to [20-417i] 20-417j, inclusive, as amended by this act.
47 [, and subsection (b) of section 20-421.] No new home construction
48 contractor shall be relieved of responsibility for the conduct and acts of
49 its agents, employees or officers by reason of such new home
50 construction contractor's compliance with the provisions of sections
51 20-417a to [20-417i] 20-417j, inclusive, as amended by this act. [, and
52 subsection (b) of section 20-421.]

53 Sec. 3. Subsection (d) of section 20-417b of the general statutes is
54 repealed and the following is substituted in lieu thereof (*Effective from*
55 *passage*):

56 (d) All certificates issued under the provisions of sections 20-417a to
57 [20-417i] 20-417j, inclusive, as amended by this act, [and subsection (b)
58 of section 20-421] shall expire biennially. The fee for renewal of a
59 certificate shall be the same as the fee charged for an original
60 application, [except as provided in subsection (c) of section 20-417i,
61 and] except that no renewal fee is due if a person seeking renewal of a
62 certificate has paid the registration fee under section 20-427 during any
63 year in which such person's registration as a new home construction
64 contractor would be valid.

65 Sec. 4. Subsection (f) of section 20-417b of the general statutes is
66 repealed and the following is substituted in lieu thereof (*Effective from*
67 *passage*):

68 (f) Failure to receive a notice of expiration or a renewal application
69 shall not exempt a new home construction contractor from the
70 obligation to renew.

71 Sec. 5. Section 20-417c of the general statutes is repealed and the
72 following is substituted in lieu thereof (*Effective from passage*):

73 The commissioner may revoke, suspend, or refuse to issue or renew
74 any certificate issued pursuant to sections 20-417a to [20-417i] 20-417j,
75 inclusive, as amended by this act, [and subsection (b) of section 20-421]
76 or place a registrant on probation or issue a letter of reprimand after
77 notice and hearing in accordance with the provisions of chapter 54
78 concerning contested cases if it is shown that the holder of such
79 certificate has: (1) Failed to comply with any provision of sections 20-
80 417a to [20-417i] 20-417j, inclusive, as amended by this act, [and
81 subsection (b) of section 20-421] or any regulation adopted pursuant to
82 said sections; [and subsection;] (2) obtained the certificate through
83 fraud or misrepresentation; (3) engaged in conduct of a character likely
84 to mislead, deceive or defraud the public or the commissioner; (4)
85 engaged in any untruthful or misleading advertising; (5) failed to
86 reimburse the New Home Construction Guaranty Fund established
87 pursuant to section 20-417i, as amended by this act, for any moneys
88 paid to a consumer pursuant to said section; (6) engaged in an unfair
89 or deceptive business practice under subsection (a) of section 42-110b;
90 (7) failed to timely complete any task, as specified in a written contract
91 of sale; (8) failed to remedy any violation of any provision of sections
92 47-116 to 47-121, inclusive, or any regulation adopted pursuant to said
93 sections; [47-116 to 47-121, inclusive;] (9) failed to remedy any violation
94 of any provision of the State Building Code; or (10) if applicable, failed
95 to maintain its certificate of good standing issued by the office of the
96 Secretary of the State.

97 Sec. 6. Subsection (d) of section 20-417d of the general statutes is
98 repealed and the following is substituted in lieu thereof (*Effective from*
99 *passage*):

100 (d) No person shall: (1) Present, or attempt to present as such
101 person's own, the certificate of another; (2) knowingly give false
102 evidence of a material nature to the commissioner for the purpose of
103 procuring a certificate; (3) represent such person falsely as, or
104 impersonate, a registered new home construction contractor; (4) use or
105 attempt to use a certificate which has expired or [which has] been

106 suspended or revoked; (5) engage in the business of a new home
107 construction contractor or hold himself or herself out as a new home
108 construction contractor without having a current certificate of
109 registration under sections 20-417a to [20-417i] 20-417j, inclusive, as
110 amended by this act; [, and subsection (b) of section 20-421;] (6)
111 represent in any manner that such person's registration constitutes an
112 endorsement of the quality of such person's work or of such person's
113 competency by the commissioner; or (7) fail to refund a deposit paid to
114 a new home construction contractor not later than ten days after a
115 written request mailed or delivered to the new home construction
116 contractor's last known address, if (A) the consumer has complied with
117 the terms of the written contract up to the time of the request, (B) no
118 substantial portion of the contracted work has been performed at the
119 time of the request, (C) more than thirty days has elapsed since the
120 starting date specified in the written contract or more than thirty days
121 has elapsed since the date of the contract if such contract does not
122 specify a starting date, and (D) the new home construction contractor
123 has failed to provide a reasonable explanation to the consumer
124 concerning such contractor's failure to perform a substantial portion of
125 the contracted work. For purposes of this subdivision, "substantial
126 portion of the contracted work" includes, but is not limited to, work
127 performed by the new home construction contractor to (i) secure
128 permits and approvals, (ii) redraft plans or obtain engineer, architect,
129 surveyor or other approvals for changes requested by the consumer or
130 made necessary by site conditions discovered after the contract is
131 executed, (iii) schedule site work or arrange for other contractors to
132 perform services related to the construction of the consumer's new
133 home, and (iv) do any other work referred to in the contract as a
134 "substantial portion of the contracted work".

135 Sec. 7. Section 20-417e of the general statutes is repealed and the
136 following is substituted in lieu thereof (*Effective from passage*):

137 (a) In addition to any other remedy provided for in sections 20-417a
138 to [20-417i] 20-417j, inclusive, as amended by this act, [and subsection

139 (b) of section 20-421,] any person who violates any provision of
140 subsection (d) of section 20-417d, as amended by this act, shall be
141 guilty of a class A misdemeanor. Notwithstanding subsection (d) of
142 section 53a-29, as amended, or section 54-56e, as amended, if the court
143 determines that a new home construction contractor cannot fully repay
144 any victim of the violations committed by [the] such contractor within
145 the period of probation established in subsection (d) of section 53a-29,
146 as amended, or section 54-56e, as amended, the court may impose
147 probation for a period of not more than five years.

148 (b) Any person who violates the provisions of subdivision (7) of
149 subsection (d) of section 20-417d, as amended by this act, shall be liable
150 for treble damages.

151 Sec. 8. Section 20-417f of the general statutes is repealed and the
152 following is substituted in lieu thereof (*Effective from passage*):

153 (a) The commissioner may, after notice and hearing in accordance
154 with the provisions of chapter 54, impose a civil penalty on any person
155 who (1) engages in or practices the work for which a certificate of
156 registration is required by sections 20-417a to [20-417i] 20-417j,
157 inclusive, as amended by this act, [and subsection (b) of section 20-421]
158 without having first obtained such a certificate of registration, [or who]
159 (2) engages in or practices any of the work for which a certificate of
160 registration is required by [said sections and subsection] sections 20-
161 417a to 20-417j, inclusive, as amended by this act, after the expiration
162 of such person's certificate of registration, or [who] (3) violates any of
163 the provisions of sections 20-417a to [20-417i] 20-417j, inclusive, as
164 amended by this act, [and subsection (b) of section 20-421] or the
165 regulations adopted pursuant to said sections. [and subsection.]

166 (b) Such civil penalty shall not exceed (1) five hundred dollars for a
167 first violation, [of this subsection,] (2) seven hundred fifty dollars for a
168 second violation [of this subsection] occurring not more than three
169 years after a prior violation, and (3) one thousand five hundred dollars
170 for a third or subsequent violation [of this subsection] occurring not

171 more than three years after a prior violation.

172 (c) Any civil penalty collected pursuant to this [subsection] section
173 shall be deposited in the [Consumer Protection Enforcement Fund]
174 consumer protection enforcement account established in section
175 21a-8a.

176 Sec. 9. Section 20-417g of the general statutes is repealed and the
177 following is substituted in lieu thereof (*Effective from passage*):

178 A violation of any of the provisions of sections 20-417a to [20-417i]
179 20-417j, inclusive, as amended by this act, [and subsection (b) of section
180 20-421] shall be deemed an unfair or deceptive trade practice under
181 subsection (a) of section 42-110b.

182 Sec. 10. Section 20-417h of the general statutes is repealed and the
183 following is substituted in lieu thereof (*Effective from passage*):

184 No new home construction contractor shall commence work unless
185 each applicable building or construction permit has been obtained
186 under the general statutes or local ordinances. No building official
187 shall issue [a contractor] a building or construction permit to a new
188 home construction contractor unless [the] such contractor has
189 presented to such building official the certificate of registration and
190 registration number of [the new home construction] such contractor.

191 Sec. 11. Section 20-417i of the general statutes is repealed and the
192 following is substituted in lieu thereof (*Effective from passage*):

193 (a) The commissioner shall establish and maintain the New Home
194 Construction Guaranty Fund.

195 (b) Each person who receives a certificate pursuant to sections 20-
196 417a to [20-417i] 20-417j, inclusive, as amended by this act, [and
197 subsection (b) of section 20-421] shall pay a fee of four hundred eighty
198 dollars biennially to the fund. [Said] Such fee shall be payable with the
199 fee for an application for a certificate or renewal of a certificate.

200 [(c) (1) For fiscal years commencing prior to July 1, 2002, payments
201 received under subsection (b) of this section shall be credited to the
202 fund until the balance in such fund equals seven hundred fifty
203 thousand dollars. Annually, if the balance in such fund exceeds seven
204 hundred fifty thousand dollars, the first two hundred thousand dollars
205 of the excess shall be deposited into the Consumer Protection
206 Enforcement Fund established in section 21a-8a. Any excess thereafter
207 shall be applied by the commissioner to reduce the fees payable by
208 new home construction contractors under the provisions of sections
209 20-417a to 20-417i, inclusive, and subsection (b) of section 20-421 for
210 the subsequent fiscal year, provided the total amount of fees collected
211 from new home construction contractors under the provisions of said
212 sections and subsection shall not be less than three hundred sixty
213 thousand dollars biennially.

214 (2) For the fiscal year commencing July 1, 2002, payments received
215 under subsection (b) of this section shall be credited to the fund until
216 the balance in such fund equals seven hundred fifty thousand dollars.
217 Any balance in such fund in excess of seven hundred fifty thousand
218 dollars on July 31, 2002, shall be deposited in the General Fund. From
219 August 1, 2002, to May 31, 2003, any excess in the fund, not to exceed
220 three hundred thousand dollars, shall be deposited in the consumer
221 protection enforcement account established in section 21a-8a. Any
222 balance in the New Home Construction Guaranty Fund, in excess of
223 seven hundred fifty thousand dollars on June 1, 2003, shall be
224 deposited in the General Fund.]

225 [(3)] (c) (1) For fiscal years commencing on or after July 1, 2003,
226 payments received under subsection (b) of this section shall be
227 credited to the [fund] New Home Construction Guaranty Fund until
228 the balance in [such] the fund equals seven hundred fifty thousand
229 dollars. Annually, if the balance in [such] the fund exceeds seven
230 hundred fifty thousand dollars, the first three hundred thousand
231 dollars of the excess shall be deposited in the consumer protection
232 enforcement account established in section 21a-8a. On June 1, 2004,

233 and each June first thereafter, if the balance in the [New Home
234 Construction Guaranty Fund] fund exceeds seven hundred fifty
235 thousand dollars, the excess shall be deposited in the General Fund.

236 [(4)] (2) Any money in the New Home Construction Guaranty Fund
237 may be invested or reinvested in the same manner as funds of the state
238 employees retirement system and the interest arising from such
239 investments shall be credited to the fund.

240 (d) Beginning [one year after October 1, 1999] October 1, 2000,
241 whenever a consumer obtains a court judgment against any new home
242 construction contractor holding a certificate or who has held a
243 certificate under sections 20-417a to [20-417i] 20-417j, inclusive, as
244 amended by this act, [and subsection (b) of section 20-421] within the
245 past two years of the date of entering into the contract with the
246 consumer, for loss or damages sustained by reason of any violation of
247 the provisions of sections 20-417a to [20-417i] 20-417j, inclusive, as
248 amended by this act, [and subsection (b) of section 20-421] by a person
249 holding a certificate under said sections, [and subsection,] such
250 consumer may, upon the final determination of, or expiration of time
251 for [] taking an appeal in connection with any such judgment, apply
252 to the commissioner for an order directing payment out of [said] the
253 New Home Construction Guaranty Fund of the amount not exceeding
254 thirty thousand dollars unpaid upon the judgment for actual damages
255 and costs taxed by the court against [the] such contractor, exclusive of
256 punitive damages. The application shall be made on forms provided
257 by the commissioner and shall be accompanied by a certified copy of
258 the court judgment obtained against the new home construction
259 contractor together with a notarized affidavit, signed and sworn to by
260 the consumer, affirming that the consumer has: (1) Complied with all
261 the requirements of this subsection; (2) obtained a judgment, stating
262 the amount of the judgment and the amount owing on the judgment at
263 the date of application; and (3) made a good faith effort to satisfy any
264 such judgment in accordance with the provisions of chapter 906 which
265 effort may include causing to be issued a writ of execution upon [said]

266 such judgment, but the officer executing the same has made a return
267 showing that no bank accounts or real property of [the] such contractor
268 liable to be levied upon in satisfaction of the judgment could be found,
269 or that the amount realized on the sale of them or of such of them as
270 were found, under the execution, was insufficient to satisfy the actual
271 damage portion of the judgment or stating the amount realized and
272 the balance remaining due on the judgment after application on the
273 judgment of the amount realized, except that the requirements of this
274 subdivision shall not apply to a judgment obtained by the consumer in
275 small claims court. A true and attested copy of [said] such executing
276 officer's return, when required, shall be attached to such application
277 and affidavit. Whenever the consumer satisfies the commissioner or
278 the commissioner's designee that it is not practicable to comply with
279 the requirements of subdivision (3) of this subsection and that the
280 consumer has taken all reasonable steps to collect the amount of the
281 judgment or the unsatisfied part of the judgment and has been unable
282 to collect the same, the commissioner or the commissioner's designee
283 may, in the commissioner's discretion, dispense with the necessity for
284 complying with such requirement. No application for an order
285 directing payment out of the [New Home Construction Guaranty
286 Fund] fund shall be made later than two years from the final
287 determination of, or expiration of time for [,] taking, an appeal of [said]
288 such court judgment, and no such application [for an order directing
289 payment out of the New Home Construction Guaranty Fund shall
290 exceed] shall be for an amount in excess of thirty thousand dollars.

291 (e) Upon receipt of [said] such application together with [said] such
292 certified copy of the court judgment, notarized affidavit and, except as
293 otherwise provided in subsection (d) of this section, true and [, except
294 as otherwise provided in subsection (d) of this section,] attested copy
295 of the executing officer's return, the commissioner or the
296 commissioner's designee shall inspect such documents for their
297 veracity and upon a determination that such documents are complete
298 and authentic [,] and [a determination] that the consumer has not been
299 paid, the commissioner shall order payment out of the New Home

300 Construction Guaranty Fund of the amount not exceeding thirty
301 thousand dollars unpaid upon the judgment for actual damages and
302 costs taxed by the court against the contractor, exclusive of punitive
303 damages.

304 (f) Beginning [one year after October 1, 1999] October 1, 2000,
305 whenever a consumer is awarded an order of restitution against any
306 new home construction contractor for loss or damages sustained as a
307 result of any violation of the provisions of sections 20-417a to [20-417i]
308 20-417j, inclusive, as amended by this act, [and subsection (b) of section
309 20-421] by a person holding a certificate or who has held a certificate
310 under said sections [and subsection] within the past two years of the
311 date of entering into the contract with the consumer, in (1) a
312 proceeding brought by the commissioner pursuant to subsection (h) of
313 this section or subsection (d) of section 42-110d, [or in] (2) a proceeding
314 brought by the Attorney General pursuant to subsection (a) of section
315 42-110m or subsection (d) of section 42-110d, or (3) a criminal
316 proceeding pursuant to section [20-417d] 20-417e, as amended by this
317 act, such consumer may, upon the final determination of, or expiration
318 of time for [,] taking an appeal in connection with any such order of
319 restitution, apply to the commissioner for an order directing payment
320 out of [said] the New Home Construction Guaranty Fund of the
321 amount not exceeding thirty thousand dollars unpaid upon the order
322 of restitution. The commissioner may issue [said] such order upon a
323 determination that the consumer has not been paid.

324 (g) Before the commissioner may issue any order directing payment
325 out of the New Home Construction Guaranty Fund to a consumer
326 pursuant to subsection (e) or (f) of this section, the commissioner shall
327 first notify the new home construction contractor of the consumer's
328 application for an order directing payment out of the [New Home
329 Construction Guaranty Fund] fund and of the new home construction
330 contractor's right to a hearing to contest the disbursement in the event
331 that [the new home construction] such contractor has already paid the
332 consumer. Such notice shall be given to the new home construction

333 contractor not later than fifteen days from the receipt by the
334 commissioner of the consumer's application for an order directing
335 payment out of the fund. If the new home construction contractor
336 requests a hearing, in writing, by certified mail not later than fifteen
337 days from receipt of the notice from the commissioner, the
338 commissioner shall grant such request and shall conduct a hearing in
339 accordance with the provisions of chapter 54. If the commissioner does
340 not receive a written request for a hearing by certified mail from the
341 new home construction contractor on or before the fifteenth day from
342 the contractor's receipt of such notice, the commissioner shall conclude
343 that the consumer has not been paid, and the commissioner shall issue
344 an order directing payment out of the fund for the amount not
345 exceeding thirty thousand dollars unpaid upon the judgment for
346 actual damages and costs taxed by the court against the new home
347 construction contractor, exclusive of punitive damages, or for the
348 amount not exceeding thirty thousand dollars unpaid upon the order
349 of restitution.

350 (h) The commissioner or the commissioner's designee may proceed
351 against any new home construction contractor holding a certificate or
352 who has held a certificate under sections 20-417a to [20-417i] 20-417j,
353 inclusive, as amended by this act, [and subsection (b) of section 20-421]
354 within the past two years of the effective date of entering into the
355 contract with the consumer, for an order of restitution arising from loss
356 or damages sustained by any consumer as a result of any violation of
357 the provisions of said sections. [and subsection.] Any such proceeding
358 shall be held in accordance with the provisions of chapter 54. In the
359 course of such proceeding, the commissioner or the commissioner's
360 designee shall decide whether to (1) exercise the powers specified in
361 section [20-417b; whether to] 20-417c, as amended by this act, (2) order
362 restitution arising from loss or damages sustained by any consumer as
363 a result of any violation of the provisions of sections 20-417a to [20-
364 417i] 20-417j, inclusive, as amended by this act, [and subsection (b) of
365 section 20-421; and whether to] and (3) order payment out of the New
366 Home Construction Guaranty Fund. Notwithstanding the provisions

367 of chapter 54, the decision of the commissioner or the commissioner's
368 designee shall be final with respect to any proceeding to order
369 payment out of the fund and the commissioner and the commissioner's
370 designee are exempted from the requirements of chapter 54 as [they]
371 such requirements relate to an appeal from any such decision. The
372 commissioner or the commissioner's designee may hear complaints of
373 all consumers submitting claims against a single new home
374 construction contractor in one proceeding.

375 (i) No application for an order directing payment out of the New
376 Home Construction Guaranty Fund shall be made later than two years
377 from the final determination of, or expiration of time for, an appeal in
378 connection with any judgment or order of restitution, and no such
379 application [for an order directing payment out of the fund shall
380 exceed] shall be for an amount in excess of thirty thousand dollars.

381 (j) In order to preserve the integrity of the New Home Construction
382 Guaranty Fund, the commissioner, in the commissioner's sole
383 discretion, may order payment out of [said] the fund of an amount less
384 than the actual loss or damages incurred by the consumer or less than
385 the order of restitution awarded by the commissioner or the Superior
386 Court. In no event shall any payment out of [said] the fund be in excess
387 of thirty thousand dollars for any single claim by a consumer.

388 (k) If the money deposited in the New Home Construction
389 Guaranty Fund is insufficient to satisfy any duly authorized claim or
390 portion of a claim, the commissioner shall, when sufficient money has
391 been deposited in the fund, satisfy such unpaid claims or portions of
392 claims not exceeding thirty thousand dollars, in the order that such
393 claims or portions of claims were originally determined.

394 (l) [When] Whenever the commissioner has caused any sum to be
395 paid from the New Home Construction Guaranty Fund to a consumer,
396 the commissioner shall be subrogated to all of the rights of the
397 consumer up to the amount paid plus reasonable interest, and prior to
398 receipt of any payment from the fund, the consumer shall assign all of

399 [this] the consumer's right, title and interest in the claim up to such
400 amount to the commissioner, and any amount and interest recovered
401 by the commissioner on the claim shall be deposited to the fund.

402 (m) If the commissioner orders the payment of any amount as a
403 result of a claim against a new home construction contractor, the
404 commissioner shall determine if [the new home construction] such
405 contractor is possessed of assets liable to be sold or applied in
406 satisfaction of the claim on the New Home Construction Guaranty
407 Fund. If the commissioner discovers any such assets, the commissioner
408 may request that the Attorney General take any action necessary for
409 the reimbursement of the fund.

410 (n) If the commissioner orders the payment of an amount as a result
411 of a claim against a new home construction contractor, the
412 commissioner may, after notice and hearing in accordance with the
413 provisions of chapter 54, revoke the certificate of [the new home
414 construction] such contractor and such contractor shall not be eligible
415 to receive a new or renewed certificate until such contractor has repaid
416 such amount in full, plus interest from the time [said] such payment is
417 made from the New Home Construction Guaranty Fund, at a rate to be
418 in accordance with section 37-3b, except that the commissioner may, in
419 the commissioner's sole discretion, permit a new home construction
420 contractor to receive a new or renewed certificate after such [new
421 home construction] contractor has entered into an agreement with the
422 commissioner whereby [the new home construction] such contractor
423 agrees to repay the fund in full in the form of periodic payments over a
424 set period of time. Any such agreement shall include a provision
425 providing for the summary suspension of any and all certificates held
426 by the new home construction contractor if payment is not made in
427 accordance with the terms of the agreement.

428 Sec. 12. Section 20-417j of the general statutes is repealed and the
429 following is substituted in lieu thereof (*Effective from passage*):

430 (a) Sections 20-417a to 20-417i, inclusive, as amended by this act,

431 [and subsection (b) of section 20-421] do not apply to any of the
432 following persons or organizations: (1) Any person holding a current
433 license as a real estate broker or salesperson issued pursuant to chapter
434 392, provided such person engages only in work for which such
435 person is licensed under chapter 392; (2) any person licensed or
436 otherwise authorized under chapter 412 to sell or place a mobile
437 manufactured home, as defined in section 21-64, upon a mobile
438 manufactured home park or mobile manufactured space or lot, both as
439 defined in section 21-64, provided such person engages only in work
440 for which such person is licensed or otherwise authorized under
441 chapter 412; (3) any other person holding a professional or
442 occupational license, registration or certificate issued pursuant to the
443 general statutes, provided such person engages only in the work for
444 which such person is licensed, registered or certified; and (4) any new
445 home construction contractor who enters into one or more new home
446 construction contracts related to the same new home when such
447 contract or contracts in the aggregate with respect to that home has a
448 total price for work or services that is less than three thousand five
449 hundred dollars.

450 (b) The commissioner shall reimburse the amount of the fees paid
451 for a certificate issued under section 20-417b, as amended by this act,
452 and the amount of fees paid into the New Home Construction
453 Guaranty Fund pursuant to section 20-417i, as amended by this act, if
454 such person for whom reimbursement is requested (1) is a person
455 exempt from registration as a new home construction contractor
456 pursuant to subsection (a) of this section, and (2) makes such request in
457 writing to the Department of Consumer Protection on a form supplied
458 by the department and such request is received by the department on
459 or before June 30, 2001.

460 Sec. 13. Subsection (b) of section 20-421 of the general statutes is
461 repealed and the following is substituted in lieu thereof (*Effective from*
462 *passage*):

463 (b) Each application for a certificate of registration as a home
464 improvement contractor shall be accompanied by a fee of sixty dollars,
465 except that no such application fee shall be required in any year during
466 which such person has paid the registration fee required under section
467 [20-417c] 20-417b, as amended by this act, or in any year in which such
468 person's registration as a new home construction contractor is valid.

| | | |
|---|---------------------|------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>from passage</i> | 20-417a |
| Sec. 2 | <i>from passage</i> | 20-417b(a) |
| Sec. 3 | <i>from passage</i> | 20-417b(d) |
| Sec. 4 | <i>from passage</i> | 20-417b(f) |
| Sec. 5 | <i>from passage</i> | 20-417c |
| Sec. 6 | <i>from passage</i> | 20-417d(d) |
| Sec. 7 | <i>from passage</i> | 20-417e |
| Sec. 8 | <i>from passage</i> | 20-417f |
| Sec. 9 | <i>from passage</i> | 20-417g |
| Sec. 10 | <i>from passage</i> | 20-417h |
| Sec. 11 | <i>from passage</i> | 20-417i |
| Sec. 12 | <i>from passage</i> | 20-417j |
| Sec. 13 | <i>from passage</i> | 20-421(b) |

Statement of Purpose:

To make technical changes to the language and numbering of the statutes concerning the registration of new home construction contractors.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]