



Senate

General Assembly

File No. 144

January Session, 2007

Senate Bill No. 1043

Senate, March 27, 2007

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 PROTECTING CONSUMERS FROM UNLICENSED CONTRACTORS.

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

1 Section 1. Subsection (a) of section 20-341 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2007*):

4 (a) Any person who engages in or practices the work or occupation
5 for which a license is required by this chapter without having first
6 obtained an apprentice permit or a certificate and license for such
7 work, or who wilfully employs or supplies for employment a person
8 who does not have a certificate and license for such work or who
9 wilfully and falsely pretends to qualify to engage in or practice such
10 work or occupation, or who engages in or practices any of the work or
11 occupations for which a license is required by this chapter after the
12 expiration of his license, or who violates any other provision of this
13 chapter, unless the penalty is otherwise specifically prescribed, shall be
14 [fined not more than two hundred dollars for each such violation]

15 guilty of a class B misdemeanor. Notwithstanding subsection (d) of
16 section 53a-29 or section 54-56e, if the court determines that a person
17 who violated the provisions of this subsection cannot fully repay any
18 victim of the violations committed by such person within the period of
19 probation established in said subsection or section, the court may
20 impose probation for such person for a period of not more than five
21 years.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	20-341(a)

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Dept.	GF - Revenue Gain	Minimal	Minimal
Judicial Department (Probation); Correction, Dept.	GF - Cost	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill increases the penalty for performance of craftsmen work without a license. Current law provides for a fine of \$200; the bill increases the maximum fine that may be imposed to \$1,000, and allows for a period of imprisonment (up to six months) for any violation of the law. The bill also extends the period of probation supervision (from two to five years) that a court may impose on a contractor to ensure that the contractor pays in full the amount of restitution due to a victim.

On average, one individual is convicted of this crime each year. It is anticipated that few offenses would be prosecuted each year under the bill and, consequently, any revenue gain from criminal fines would be minimal. To the extent that offenders are prosecuted criminally and subsequently convicted or plead guilty, the state could incur a cost associated with incarceration and/or probation supervision in the community. The average, annual cost is roughly \$2,500 to supervise an offender on probation in the community as compared to \$41,600 to incarcerate the offender. However, since very few offenses are anticipated under the bill, the marginal cost of the bill is expected to be minimal.

The Out Years

The annualized ongoing costs identified above would continue into the future subject to inflation. The annualized revenues would remain relatively constant since they are fixed by statute.

OLR Bill Analysis**SB 1043*****AN ACT PROTECTING CONSUMERS FROM UNLICENSED CONTRACTORS.*****SUMMARY:**

This bill increases the criminal penalty for violating the licensing law overseen by the occupational licensing boards. Under current law, the penalty is a fine of \$200 per violation for (1) working without a license or apprentice permit; (2) willfully employing, or supplying for employment, someone who does not have a license or apprentice permit; (3) willfully pretending to qualify for a license or permit; (4) working after the expiration of a license or permit; or (5) violating any other provision of the licensing law. The bill makes anyone who engages in any of the prohibited acts guilty of a class B misdemeanor, which is punishable by up to six months imprisonment, a fine of up to \$1,000, or both. If the court imposes restitution and determines that a contractor cannot fully repay a victim within the normal probationary period (up to two years for a class B misdemeanor), the law authorizes the court to impose a probationary period of up to five years.

The occupational licensing boards are: the Examining Boards for Electrical Work; Plumbing and Piping Work; Heating, Piping, Cooling, and Sheet Metal Work; Elevator Installation, Repair, and Maintenance Work; Fire Protection Sprinkler Systems Work; and Automotive Glasswork and Flat Glasswork.

EFFECTIVE DATE: October 1 2007

BACKGROUND***Related Bill***

HB 1041, reported favorably by the General Law Committee, makes

the same increase in penalty.

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 19 Nay 0 (03/14/2007)