



General Assembly

January Session, 2007

**Raised Bill No. 6983**

LCO No. 3440

\*03440\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING THE ENFORCEMENT OF CERTAIN  
PROFESSIONAL AND OCCUPATIONAL LICENSING, CERTIFICATION  
AND REGISTRATION LAWS.**

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

1 Section 1. Subsection (c) of section 20-332 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2007*):

4 (c) If, after a hearing in accordance with the regulations adopted by  
5 the Commissioner of Consumer Protection, it appears that the  
6 provisions of this chapter or the regulations adopted under this  
7 chapter have been violated, in addition to the penalties in this chapter,  
8 the appropriate examining board, or the commissioner or the  
9 commissioner's authorized agent, shall report such violation to the  
10 office of the state's attorney for the [superior court for the] judicial  
11 district in which such violation occurred.

12 Sec. 2. Section 20-341 of the general statutes is repealed and the  
13 following is substituted in lieu thereof (*Effective October 1, 2007*):

14 (a) Any person who engages in or practices the work or occupation

15 for which a license is required by this chapter without having first  
16 obtained an apprentice permit or a certificate and license for such  
17 work, or who wilfully employs or supplies for employment a person  
18 who does not have a certificate and license for such work or who  
19 wilfully and falsely pretends to qualify to engage in or practice such  
20 work or occupation, or who engages in or practices any of the work or  
21 occupations for which a license is required by this chapter after the  
22 expiration of [his] such person's license, or who violates any other  
23 provision of this chapter, [unless the penalty is otherwise specifically  
24 prescribed,] shall be [fined not more than two hundred dollars for each  
25 such violation] guilty of a class B misdemeanor. Notwithstanding the  
26 provisions of subsection (d) of section 53a-29 and subsection (d) of  
27 section 54-56e, if the court determines that such person cannot fully  
28 repay any victims of such person within the period of probation  
29 established in subsection (d) of section 53a-29 or subsection (d) of  
30 section 54-56e, the court may impose probation for a period of not  
31 more than five years. The penalty provided in this subsection shall be  
32 in addition to any other penalties and remedies available under this  
33 chapter or chapter 416.

34 (b) The appropriate examining board or the Commissioner of  
35 Consumer Protection may, after notice and hearing, impose a civil  
36 penalty on any person who engages in or practices the work or  
37 occupation for which a license or apprentice registration certificate is  
38 required by this chapter, chapter 394 or chapter 482 without having  
39 first obtained such a [certificate or] license or certificate, or who  
40 wilfully employs or supplies for employment a person who does not  
41 have such a license or certificate or who wilfully and falsely pretends  
42 to qualify to engage in or practice such work or occupation, or who  
43 engages in or practices any of the work or occupations for which a  
44 license or certificate is required by this chapter, chapter 394 or chapter  
45 482 after the expiration of the license or certificate or who violates any  
46 of the provisions of this chapter, chapter 394 or chapter 482 or the  
47 regulations adopted pursuant thereto. Such penalty shall be in an  
48 amount not more than one thousand dollars for a first violation of this

49 subsection, not more than one thousand five hundred dollars for a  
50 second violation of this subsection and not more than three thousand  
51 dollars for each violation of this subsection occurring less than three  
52 years after a second or subsequent violation of this subsection, except  
53 that any individual employed as an apprentice but improperly  
54 registered shall not be penalized for a first offense.

55 (c) If an examining board or the Commissioner of Consumer  
56 Protection imposes a [fine or] civil penalty under the provisions of  
57 subsection (b) of this section as a result of a violation initially reported  
58 by a municipal official, the commissioner shall, not less than sixty days  
59 after collecting such [fine or] civil penalty, remit one-half of the  
60 amount collected to such municipality.

61 (d) A violation of any of the provisions of this chapter shall be  
62 deemed an unfair or deceptive trade practice under subsection (a) of  
63 section 42-110b.

64 Sec. 3. Section 21a-8 of the general statutes is repealed and the  
65 following is substituted in lieu thereof (*Effective October 1, 2007*):

66 (a) The Department of Consumer Protection shall have the  
67 following powers and duties [,] with regard to each board or  
68 commission transferred to the Department of Consumer Protection  
69 under section 21a-6:

70 (1) The department shall control the allocation, disbursement and  
71 budgeting of funds appropriated to the department for the operation  
72 of each board or commission transferred to said department.

73 (2) The department shall employ and assign such personnel as the  
74 commissioner deems necessary for the performance of each [board]  
75 board's or commission's functions.

76 (3) The department shall perform all management functions,  
77 including purchasing, bookkeeping, accounting, payroll, secretarial,  
78 clerical, record-keeping and routine housekeeping functions.

79 (4) The department shall conduct any necessary review, inspection  
80 or investigation regarding qualifications of applicants for licenses or  
81 certificates, possible violations of statutes or regulations, accreditation  
82 of schools, disciplinary matters and the establishment of regulatory  
83 policy, and make recommendations to the appropriate board or  
84 commission. In connection with any such investigation, the  
85 Commissioner of Consumer Protection, or the commissioner's  
86 authorized agent, may administer oaths, issue subpoenas, compel  
87 testimony and order the production of books, records and documents.  
88 If any person refuses to appear, to testify or to produce any book,  
89 record or document when so ordered, a judge of the Superior Court  
90 may make such order as may be appropriate to aid in the enforcement  
91 of this section.

92 (5) The department shall administer any examinations necessary to  
93 ascertain the qualifications of applicants for licenses or certificates and  
94 shall issue licenses or certificates to qualified applicants. The  
95 department shall maintain rosters of licensees or registrants [updated]  
96 and update such rosters annually, and may provide copies of such  
97 rosters to the public for an appropriate fee.

98 (6) The department shall conduct any necessary investigation and  
99 follow-up in connection with complaints regarding persons subject to  
100 regulation or licensing by the board or commission.

101 (7) The department shall perform any other function necessary to  
102 the effective operation of the board or commission and not specifically  
103 vested by statute in the board or commission.

104 (8) The department shall receive complaints concerning the work  
105 and practices of persons licensed, registered or certified by such boards  
106 or commissions and shall receive complaints concerning unauthorized  
107 work and practice by persons not licensed, registered or certified by  
108 such boards or commissions. The department shall distribute monthly  
109 a list of all complaints received within the previous month to the  
110 chairperson of the appropriate board or commission. The department

111 shall screen all complaints and dismiss any in which the allegation, if  
112 substantiated, would not constitute a violation of any statute or  
113 regulation. The department shall distribute notice of all such  
114 dismissals monthly to the chairperson of the appropriate board or  
115 commission. The department shall investigate any complaint in which  
116 the allegation, if substantiated, would constitute a violation of a statute  
117 or regulation under its jurisdiction. In conducting the investigation, the  
118 commissioner may seek the assistance of a member of the appropriate  
119 board, an employee of any state agency with expertise in the area, or if  
120 no such member or employee is available, a person from outside state  
121 service licensed to perform the work involved in the complaint. Board  
122 or commission members involved in an investigation shall not  
123 participate in disciplinary proceedings resulting from such  
124 investigation. The Commissioner of Consumer Protection may dismiss  
125 a complaint following an investigation if the commissioner determines  
126 that such complaint lacks probable cause. Notice of such dismissal  
127 shall be given only after approval by the chairperson of the  
128 appropriate board or commission. The commissioner may authorize a  
129 settlement if the settlement is approved by the complainant, the  
130 practitioner, and the board or commission. The commissioner may  
131 bring a complaint before the appropriate board or commission for a  
132 formal hearing if [he] the commissioner determines that there is  
133 probable cause to believe that the offense alleged in the complaint has  
134 been committed and that the practitioner named in the complaint was  
135 responsible. The commissioner, or the commissioner's authorized  
136 agent, shall have the power to issue subpoenas to require the  
137 attendance of witnesses or the production of records, correspondence,  
138 documents or other evidence in connection with any hearing of a  
139 board or commission. All dispositions and final decisions by the  
140 Department of Consumer Protection after an investigation into a  
141 complaint has begun shall be forwarded to the chairperson of the  
142 appropriate board or commission on a monthly basis.

143 (9) The department may contract with a third party, if the  
144 commissioner deems it necessary and if the appropriate board or

145 commission consents, to administer licensing examinations and  
146 perform all attendant administrative functions in connection with such  
147 examination and to monitor continuing professional education  
148 requirements, and may require the payment of a fee to such third  
149 party.

150 (b) The Commissioner of Consumer Protection shall have the  
151 following powers and duties with regard to each board or commission  
152 transferred to the Department of Consumer Protection under section  
153 21a-6:

154 (1) The commissioner may, in the commissioner's discretion, issue  
155 an appropriate order to any person found to be violating any statute or  
156 regulation within the jurisdiction of such board or commission  
157 providing for the immediate discontinuance of the violation or  
158 requiring the violator to make restitution for any damage caused by  
159 the violation, or both. The commissioner may, through the Attorney  
160 General, petition the superior court for the judicial district in which the  
161 violation occurred, or in which the person committing the violation  
162 resides or transacts business, for the enforcement of any order issued  
163 by the commissioner under this subdivision and for appropriate  
164 temporary relief or a restraining order. The commissioner shall certify  
165 and file in the court a transcript of the entire record of the hearing or  
166 hearings, including all testimony upon which such order was made  
167 and the findings and orders made by the commissioner. The court may  
168 grant such relief by injunction or otherwise, including temporary  
169 relief, as the court deems equitable and may make and enter a decree  
170 enforcing, modifying and enforcing as so modified, or setting aside, in  
171 whole or in part, any order of the commissioner issued under this  
172 subdivision.

173 (2) The commissioner may conduct hearings on any matter within  
174 the statutory jurisdiction of such board or commission. Such hearings  
175 shall be conducted in accordance with chapter 54 and the regulations  
176 established pursuant to subsection (a) of section 21a-9, as amended by

177 this act. In connection with any such hearing, the commissioner may  
178 administer oaths, issue subpoenas, compel testimony and order the  
179 production of books, records and documents. If any person refuses to  
180 appear, testify or produce any book, record or document when so  
181 ordered, a judge of the Superior Court may make such order as may be  
182 appropriate to aid in the enforcement of this subdivision.

183 (3) In addition to any other action permitted under the general  
184 statutes, the commissioner may, upon a finding of any cause specified  
185 in subsection (c) of section 21a-9, as amended by this act: (A) Revoke or  
186 suspend a license, registration or certificate; (B) issue a letter of  
187 reprimand to a practitioner and send a copy of such letter to a  
188 complainant or to a state or local official; (C) place a practitioner on  
189 probationary status and require the practitioner to (i) report regularly  
190 to the commissioner on the matter which is the basis for probation, (ii)  
191 limit the practitioner's practice to areas prescribed by the  
192 commissioner, or (iii) continue or renew the practitioner's education  
193 until the practitioner has attained a satisfactory level of competence in  
194 any area which is the basis for probation. The commissioner may  
195 discontinue, suspend or rescind any action taken under this  
196 subdivision.

197 Sec. 4. Section 21a-9 of the general statutes is repealed and the  
198 following is substituted in lieu thereof (*Effective October 1, 2007*):

199 (a) With regard to the boards and commissions within the  
200 Department of Consumer Protection, the Commissioner of Consumer  
201 Protection (1) shall adopt uniform rules of procedure, consistent with  
202 chapter 54, for hearings and other proceedings to be conducted by the  
203 boards or commissions or by the commissioner and for the giving of  
204 notice to persons affected by such proceedings, and (2) may, where  
205 authorized by statute, adopt regulations regarding any subject within  
206 the jurisdiction of a board or commission.

207 (b) Any rules of procedure and regulations adopted pursuant to this  
208 section shall be adopted in accordance with chapter 54. No regulation

209 shall be adopted pursuant to this section until the appropriate board or  
210 commission has had reasonable opportunity to review the proposed  
211 regulation and to offer comments thereon.

212 (c) Each such board or commission may act in accordance with the  
213 provisions of subdivision (7) of section 21a-7, and the commissioner  
214 may act in accordance with the provisions of subdivision (3) of  
215 subsection (b) of section 21a-8, as amended by this act, in the case of a  
216 practitioner who: (1) Engages in fraud or material deception in order to  
217 obtain a license, registration or certificate issued by the board or  
218 commission or to aid another in obtaining a license, registration or  
219 certificate issued by the board or commission; (2) performs work  
220 beyond the scope of the license, registration or certificate issued by the  
221 board or commission; (3) illegally uses or transfers a license,  
222 registration or certificate issued by the board or commission; (4)  
223 performs incompetent or negligent work; (5) makes false, misleading  
224 or deceptive representations to the public; (6) has been subject to  
225 disciplinary action similar to that specified in subdivision (7) of section  
226 21a-7 or subdivision (3) of subsection (b) of section 21a-8, as amended  
227 by this act, by a duly authorized professional agency of the United  
228 States, any state within the United States, the District of Columbia, a  
229 United States possession or territory or a foreign jurisdiction; or (7)  
230 violates any provision of the general statutes or any regulation  
231 established thereunder, relating to the practitioner's profession or  
232 occupation.

233 (d) As used in chapters 390, 391, 392, 393, 394, 396, 400g, 400j, 482  
234 and 400l:

235 (1) "Certificate" includes the whole or part of any Department of  
236 Consumer Protection permit which the department issues under  
237 authority of the general statutes and which (A) authorizes practice of  
238 the profession by certified persons but does not prohibit the practice of  
239 the profession by others, not certified, (B) prohibits a person from  
240 falsely representing that such person is certified to practice the



241 profession unless the person holds a certificate issued by the  
242 department, and (C) requires as a condition of certification that a  
243 person submit specified credentials to the department which attest to  
244 qualifications to practice the profession.

245 (2) "License" includes the whole or part of any Department of  
246 Consumer Protection permit, approval, or similar form of permission  
247 which the department issues under authority of the general statutes  
248 and which requires (A) practice of the profession by licensed persons  
249 only, (B) demonstration of competence to practice by examination or  
250 other means and meeting of certain minimum standards, and (C)  
251 enforcement of standards by the department or regulatory board or  
252 commission.

253 (3) "Registration" includes the whole or part of any Department of  
254 Consumer Protection permit which the department issues under  
255 authority of the general statutes and which (A) requires persons to  
256 place their names on a list maintained by the department before they  
257 can engage in the practice of a specified profession or occupation, (B)  
258 does not require a person to demonstrate competence by examination  
259 or other means, and (C) may be revoked or suspended by the  
260 commissioner for cause.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	20-332(c)
Sec. 2	<i>October 1, 2007</i>	20-341
Sec. 3	<i>October 1, 2007</i>	21a-8
Sec. 4	<i>October 1, 2007</i>	21a-9

**Statement of Purpose:**

To enhance the ability of the Commissioner of Consumer Protection to enforce certain professional and occupational licensing, certification and registration laws.

*[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.]*