



General Assembly

**Substitute Bill No. 6983**

January Session, 2007

\* \_\_\_\_\_ HB06983GL \_\_\_\_\_ 050907 \_\_\_\_\_ \*

**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2 repealed and the following is substituted in lieu thereof (*Effective*  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 Section 20-341 of the general statutes is repealed and the  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] shall be guilty of a class B misdemeanor, provided no  
26 criminal charges shall be instituted against such person pursuant to  
27 this subsection unless the work activity in question is reviewed by the  
28 Commissioner of Consumer Protection, or the commissioner's  
29 authorized agent, and the commissioner or such agent specifically  
30 determines that such work activity requires a license and is not a bona  
31 fide dispute between persons engaged in any trade or craft, whether  
32 licensed or unlicensed. Notwithstanding the provisions of subsection  
33 (d) of section 53a-29 and subsection (d) of section 54-56e, if the court  
34 determines that such person cannot fully repay any victims of such  
35 person within the period of probation established in subsection (d) of  
36 section 53a-29 or subsection (d) of section 54-56e, the court may impose  
37 probation for a period of not more than five years. The penalty  
38 provided in this subsection shall be in addition to any other penalties  
39 and remedies available under this chapter or chapter 416.

40 (b) The appropriate examining board or the Commissioner of  
41 Consumer Protection may, after notice and hearing, impose a civil  
42 penalty on any person who engages in or practices the work or  
43 occupation for which a license or apprentice registration certificate is  
44 required by this chapter, chapter 394 or chapter 482 without having  
45 first obtained such a [certificate or] license or certificate, or who  
46 wilfully employs or supplies for employment a person who does not  
47 have such a license or certificate or who wilfully and falsely pretends  
48 to qualify to engage in or practice such work or occupation, or who  
49 engages in or practices any of the work or occupations for which a  
50 license or certificate is required by this chapter, chapter 394 or chapter  
51 482 after the expiration of the license or certificate or who violates any

52 of the provisions of this chapter, chapter 394 or chapter 482 or the  
53 regulations adopted pursuant thereto. Such penalty shall be in an  
54 amount not more than one thousand dollars for a first violation of this  
55 subsection, not more than one thousand five hundred dollars for a  
56 second violation of this subsection and not more than three thousand  
57 dollars for each violation of this subsection occurring less than three  
58 years after a second or subsequent violation of this subsection, except  
59 that any individual employed as an apprentice but improperly  
60 registered shall not be penalized for a first offense.

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

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

70 (e) This section shall not apply to any person who (1) holds a license  
71 issued under this chapter, chapter 392 or chapter 482 and engages in  
72 incidental work in an occupation for which a different license is  
73 required, or (2) engages in work that is not licensable, including any of  
74 the following activities: (A) The unloading or hoisting of any material  
75 related to work for which a license is required; (B) millwright work,  
76 including the dismantling, placing, erecting, assembling, aligning,  
77 leveling and adjusting of all machinery, apparatus, devices and  
78 component parts of gas and steam turbine powertrains and equipment;  
79 (C) carpentry work, including the installation and replacement of  
80 safety-backed mirror products, glass or metal railing assemblies or  
81 architectural louvers; and (D) the installation and replacement of  
82 aeration and odor control systems in water and waste water treatment  
83 facilities.

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

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

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

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

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

99 (4) The department shall conduct any necessary review, inspection  
100 or investigation regarding qualifications of applicants for licenses or  
101 certificates, possible violations of statutes or regulations, accreditation  
102 of schools, disciplinary matters and the establishment of regulatory  
103 policy, and make recommendations to the appropriate board or  
104 commission. In connection with any such investigation, the  
105 Commissioner of Consumer Protection, or the commissioner's  
106 authorized agent, may administer oaths, issue subpoenas, compel  
107 testimony and order the production of books, records and documents.  
108 If any person refuses to appear, to testify or to produce any book,  
109 record or document when so ordered, a judge of the Superior Court  
110 may make such order as may be appropriate to aid in the enforcement  
111 of this section.

112 (5) The department shall administer any examinations necessary to  
113 ascertain the qualifications of applicants for licenses or certificates and  
114 shall issue licenses or certificates to qualified applicants. The

115 department shall maintain rosters of licensees or registrants [updated]  
116 and update such rosters annually, and may provide copies of such  
117 rosters to the public for an appropriate fee.

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

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

124 (8) The department shall receive complaints concerning the work  
125 and practices of persons licensed, registered or certified by such boards  
126 or commissions and shall receive complaints concerning unauthorized  
127 work and practice by persons not licensed, registered or certified by  
128 such boards or commissions. The department shall distribute monthly  
129 a list of all complaints received within the previous month to the  
130 chairperson of the appropriate board or commission. The department  
131 shall screen all complaints and dismiss any in which the allegation, if  
132 substantiated, would not constitute a violation of any statute or  
133 regulation. The department shall distribute notice of all such  
134 dismissals monthly to the chairperson of the appropriate board or  
135 commission. The department shall investigate any complaint in which  
136 the allegation, if substantiated, would constitute a violation of a statute  
137 or regulation under its jurisdiction. In conducting the investigation, the  
138 commissioner may seek the assistance of a member of the appropriate  
139 board, an employee of any state agency with expertise in the area, or if  
140 no such member or employee is available, a person from outside state  
141 service licensed to perform the work involved in the complaint. Board  
142 or commission members involved in an investigation shall not  
143 participate in disciplinary proceedings resulting from such  
144 investigation. The Commissioner of Consumer Protection may dismiss  
145 a complaint following an investigation if the commissioner determines  
146 that such complaint lacks probable cause. Notice of such dismissal  
147 shall be given only after approval by the chairperson of the

148 appropriate board or commission. The commissioner may authorize a  
149 settlement if the settlement is approved by the complainant, the  
150 practitioner, and the board or commission. The commissioner may  
151 bring a complaint before the appropriate board or commission for a  
152 formal hearing if [he] the commissioner determines that there is  
153 probable cause to believe that the offense alleged in the complaint has  
154 been committed and that the practitioner named in the complaint was  
155 responsible. The commissioner, or the commissioner's authorized  
156 agent, shall have the power to issue subpoenas to require the  
157 attendance of witnesses or the production of records, correspondence,  
158 documents or other evidence in connection with any hearing of a  
159 board or commission. All dispositions and final decisions by the  
160 Department of Consumer Protection after an investigation into a  
161 complaint has begun shall be forwarded to the chairperson of the  
162 appropriate board or commission on a monthly basis.

163 (9) The department may contract with a third party, if the  
164 commissioner deems it necessary and if the appropriate board or  
165 commission consents, to administer licensing examinations and  
166 perform all attendant administrative functions in connection with such  
167 examination and to monitor continuing professional education  
168 requirements, and may require the payment of a fee to such third  
169 party.

170 (b) The Commissioner of Consumer Protection shall have the  
171 following powers and duties with regard to each board or commission  
172 transferred to the Department of Consumer Protection under section  
173 21a-6:

174 (1) The commissioner may, in the commissioner's discretion, issue  
175 an appropriate order to any person found to be violating any statute or  
176 regulation within the jurisdiction of such board or commission  
177 providing for the immediate discontinuance of the violation or  
178 requiring the violator to make restitution for any damage caused by  
179 the violation, or both. The commissioner may, through the Attorney  
180 General, petition the superior court for the judicial district in which the

181 violation occurred, or in which the person committing the violation  
182 resides or transacts business, for the enforcement of any order issued  
183 by the commissioner under this subdivision and for appropriate  
184 temporary relief or a restraining order. The commissioner shall certify  
185 and file in the court a transcript of the entire record of the hearing or  
186 hearings, including all testimony upon which such order was made  
187 and the findings and orders made by the commissioner. The court may  
188 grant such relief by injunction or otherwise, including temporary  
189 relief, as the court deems equitable and may make and enter a decree  
190 enforcing, modifying and enforcing as so modified, or setting aside, in  
191 whole or in part, any order of the commissioner issued under this  
192 subdivision.

193 (2) The commissioner may conduct hearings on any matter within  
194 the statutory jurisdiction of such board or commission. Such hearings  
195 shall be conducted in accordance with chapter 54 and the regulations  
196 established pursuant to subsection (a) of section 21a-9, as amended by  
197 this act. In connection with any such hearing, the commissioner may  
198 administer oaths, issue subpoenas, compel testimony and order the  
199 production of books, records and documents. If any person refuses to  
200 appear, testify or produce any book, record or document when so  
201 ordered, a judge of the Superior Court may make such order as may be  
202 appropriate to aid in the enforcement of this subdivision.

203 (3) In addition to any other action permitted under the general  
204 statutes, the commissioner may, upon a finding of any cause specified  
205 in subsection (c) of section 21a-9, as amended by this act: (A) Revoke or  
206 suspend a license, registration or certificate; (B) issue a letter of  
207 reprimand to a practitioner and send a copy of such letter to a  
208 complainant or to a state or local official; (C) place a practitioner on  
209 probationary status and require the practitioner to (i) report regularly  
210 to the commissioner on the matter which is the basis for probation, (ii)  
211 limit the practitioner's practice to areas prescribed by the  
212 commissioner, or (iii) continue or renew the practitioner's education  
213 until the practitioner has attained a satisfactory level of competence in  
214 any area which is the basis for probation. The commissioner may

215 discontinue, suspend or rescind any action taken under this  
216 subdivision.

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

219 (a) With regard to the boards and commissions within the  
220 Department of Consumer Protection, the Commissioner of Consumer  
221 Protection (1) shall adopt uniform rules of procedure, consistent with  
222 chapter 54, for hearings and other proceedings to be conducted by the  
223 boards or commissions or by the commissioner and for the giving of  
224 notice to persons affected by such proceedings, and (2) may, where  
225 authorized by statute, adopt regulations regarding any subject within  
226 the jurisdiction of a board or commission.

227 (b) Any rules of procedure and regulations adopted pursuant to this  
228 section shall be adopted in accordance with chapter 54. No regulation  
229 shall be adopted pursuant to this section until the appropriate board or  
230 commission has had reasonable opportunity to review the proposed  
231 regulation and to offer comments thereon.

232 (c) Each such board or commission may act in accordance with the  
233 provisions of subdivision (7) of section 21a-7, and the commissioner  
234 may act in accordance with the provisions of subdivision (3) of  
235 subsection (b) of section 21a-8, as amended by this act, in the case of a  
236 practitioner who: (1) Engages in fraud or material deception in order to  
237 obtain a license, registration or certificate issued by the board or  
238 commission or to aid another in obtaining a license, registration or  
239 certificate issued by the board or commission; (2) performs work  
240 beyond the scope of the license, registration or certificate issued by the  
241 board or commission; (3) illegally uses or transfers a license,  
242 registration or certificate issued by the board or commission; (4)  
243 performs incompetent or negligent work; (5) makes false, misleading  
244 or deceptive representations to the public; (6) has been subject to  
245 disciplinary action similar to that specified in subdivision (7) of section  
246 21a-7 or subdivision (3) of subsection (b) of section 21a-8, as amended



247 by this act, by a duly authorized professional agency of the United  
248 States, any state within the United States, the District of Columbia, a  
249 United States possession or territory or a foreign jurisdiction; or (7)  
250 violates any provision of the general statutes or any regulation  
251 established thereunder, relating to the practitioner's profession or  
252 occupation.

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

255 (1) "Certificate" includes the whole or part of any Department of  
256 Consumer Protection permit which the department issues under  
257 authority of the general statutes and which (A) authorizes practice of  
258 the profession by certified persons but does not prohibit the practice of  
259 the profession by others, not certified, (B) prohibits a person from  
260 falsely representing that such person is certified to practice the  
261 profession unless the person holds a certificate issued by the  
262 department, and (C) requires as a condition of certification that a  
263 person submit specified credentials to the department which attest to  
264 qualifications to practice the profession.

265 (2) "License" includes the whole or part of any Department of  
266 Consumer Protection permit, approval, or similar form of permission  
267 which the department issues under authority of the general statutes  
268 and which requires (A) practice of the profession by licensed persons  
269 only, (B) demonstration of competence to practice by examination or  
270 other means and meeting of certain minimum standards, and (C)  
271 enforcement of standards by the department or regulatory board or  
272 commission.

273 (3) "Registration" includes the whole or part of any Department of  
274 Consumer Protection permit which the department issues under  
275 authority of the general statutes and which (A) requires persons to  
276 place their names on a list maintained by the department before they  
277 can engage in the practice of a specified profession or occupation, (B)  
278 does not require a person to demonstrate competence by examination

279 or other means, and (C) may be revoked or suspended by the  
280 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

**JUD**      *Joint Favorable Subst.*

**GL**        *Joint Favorable*