



General Assembly

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Amendment

LCO No. 6346

SB0027106346HDO

Offered by:

REP. STONE, 9th Dist.
REP. MAZUREK, 80th Dist.
SEN. CALIGIURI, 16th Dist.
SEN. HARTLEY, 15th Dist.
SEN. LEBEAU, 3rd Dist.
SEN. KANE, 32nd Dist.
REP. BERGER, 73rd Dist.
REP. D'AMELIO, 71st Dist.
REP. NOUJAIM, 74th Dist.

REP. ALDARONDO, 75th Dist.
REP. BUTLER, 72nd Dist.
REP. WILLIAMS, 68th Dist.
REP. TONG, 147th Dist.
REP. FOX, 146th Dist.
REP. SHAPIRO, 144th Dist.
REP. LEONE, 148th Dist.
REP. TRUGLIA, 145th Dist.
SEN. MCDONALD, 27th Dist.

To: Subst. Senate Bill No. 271

File No. 61

Cal. No. 418

(As Amended by Senate Amendment Schedule "A")

"AN ACT CONCERNING ADVERTISING BY OCCUPATIONAL LICENSE HOLDERS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 16a-21 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2008*):

5 (a) No person, firm or corporation shall sell at retail fuel oil or
6 propane gas to be used for residential heating without a written

7 contract with the purchaser that contains all the terms and conditions
8 for delivery of such retail fuel oil or propane gas and the amount of
9 fees, charges or penalties, including tank removal and inspection fees,
10 minimum usage fees, liquidated damages and hazardous materials
11 fees assessed to the purchaser under such contract and without placing
12 the unit price, clearly indicated as such, the total number of units sold
13 and the amount of any delivery surcharge in a conspicuous place on
14 the delivery ticket given to the purchaser or an agent of the purchaser
15 at the time of delivery. No person, firm or corporation may bill or
16 otherwise attempt to collect from any purchaser of retail fuel oil or
17 propane gas an amount which exceeds the unit price multiplied by the
18 total number of units stated on the delivery ticket, plus the amount of
19 any delivery surcharge stated on the ticket. For the purpose of this
20 section, unit price means the price per gallon computed to the nearest
21 tenth of a whole cent. Any written contract required by this section
22 shall be in plain language pursuant to section 42-152 and any fee,
23 charge or penalty disclosed in such contract shall be in twelve-point,
24 boldface type of uniform font. The requirement that any contract be in
25 writing as set forth in this section may be satisfied pursuant to the
26 provisions of (1) the Connecticut Uniform Electronic Transactions Act,
27 sections 1-266 to 1-286, inclusive, (2) sections 42a-7-101 to 42a-7-106,
28 inclusive, and (3) the Electronic Signatures in Global and National
29 Commerce Act, 15 USC 7001 et seq. Except as provided in subsection
30 (e) of this section, verbal telephonic communications shall not satisfy
31 the writing requirement of this section. The requirement that any
32 contract be in writing as set forth in this section shall not apply to any
33 retail fuel oil or propane gas contract where no fee, charge or penalty is
34 assessed, except for the unit price of the retail fuel oil or propane gas
35 delivered to a purchaser and any surcharge authorized under section
36 16a-22b, as amended by this act. No contract for the delivery of retail
37 fuel oil or propane gas under this section shall include a provision for
38 liquidated damages for a purchaser breach of such contract where the
39 liquidated damages exceeds the actual damages to the retail fuel oil or
40 propane gas retailer caused by such breach.

41 (b) Any person, firm or corporation who violates subsection (a) of
42 this section shall be fined not more than one hundred dollars for the
43 first offense nor more than five hundred dollars for each subsequent
44 offense.

45 (c) The provisions of this section shall not apply to any existing
46 purchaser of a person, firm or corporation selling retail fuel oil or
47 propane gas on October 1, 2008, who has a valid written contract on
48 said date.

49 (d) The provisions of this section shall not apply to customers of a
50 person, firm or corporation selling retail fuel oil or propane gas as of
51 October 1, 2008, who do not have valid written contracts, provided the
52 customer has the right to discontinue delivery service at any time and
53 shall not be subject to any additional cost or fee of any kind including,
54 but not limited to, equipment removal fee, labor charge, restocking
55 penalty, tank evacuation or any other assessment that would result in
56 any additional cost to the consumer for discontinuing delivery service
57 and shall receive a full refund for any fuel oil or propane gas in a
58 company owned tank that was removed at the time of said
59 discontinuance of service at the retail price charged to the customer. A
60 person, firm or corporation selling retail fuel oil or propane gas may
61 not assess such customers any new fees or increases of existing fees for
62 a period of sixty days from the date first billed if the customer notifies
63 the company of said customer's intent to discontinue delivery service
64 within the sixty-day period.

65 (e) Not later than October 15, 2008, a fuel oil and propane gas retail
66 dealer shall provide written notice to all customers of such retail dealer
67 as of October 1, 2008, who do not have valid written contracts and who
68 are subject to any fees informing said customer of (1) the amount of
69 such fees and a description of the fee; (2) the right to discontinue
70 delivery services without penalty; and (3) the right to dispute any new
71 fees that are not contained in such notice or increases in the amount of
72 fees contained in such notice for a period of sixty days from the date
73 such fees were billed if the customer has notified the company of the

74 intent to discontinue delivery service within the sixty-day period.

75 (f) The requirement that any contract be in writing pursuant to this
76 section and section 16a-23n may be satisfied telephonically by a
77 person, firm or corporation selling at retail fuel oil or propane gas, only
78 if: (1) Such telephonic communications are preceded by the purchaser
79 having received all terms and conditions of the contract in writing,
80 except for the contract duration, the unit price and the maximum
81 number of units covered by the contract, if any, in advance of such
82 telephonic communications between such purchaser and the person,
83 firm or corporation selling at retail fuel oil or propane gas; (2) the
84 person, firm or corporation selling at retail fuel oil or propane gas
85 employs an interactive voice response system or similar technology
86 which provides the purchaser with the contract duration, the unit price
87 and the maximum number of units covered by the contract, if any, to
88 complete the contract; (3) the person, firm or corporation selling at
89 retail fuel oil or propane gas retains, in a readily retrievable format, a
90 recording of the purchaser agreeing to each such term and condition
91 for the period of the contract plus one year; (4) the person, firm or
92 corporation selling at retail fuel oil or propane gas sends such
93 purchaser a letter confirming the agreement to such terms and
94 conditions with the written stipulation that the purchaser is bound by
95 such terms and conditions unless the agreement is rescinded by such
96 purchaser, in writing, within three business days of receipt of said
97 letter by such purchaser; and (5) the person, firm or corporation selling
98 at retail fuel oil or propane gas retains a copy of each such letter.

99 (g) A violation of the provisions of this section constitutes an unfair
100 trade practice under subsection (a) of section 42-110b.

101 Sec. 502. Section 16a-22b of the general statutes is repealed and the
102 following is substituted in lieu thereof (*Effective July 1, 2008*):

103 (a) No retail dealer of fuel oil or propane shall assess a surcharge on
104 the price of fuel oil or propane delivered to a customer if the delivery
105 of the fuel oil or propane is in an amount in excess of one hundred

106 twenty-five gallons, except that a surcharge may be assessed if a
107 delivery is made outside the normal service area or the normal
108 business hours of the dealer or extraordinary labor costs are involved
109 in making a delivery. Any other fee, charge or penalty shall be
110 assessed in accordance with the provisions of section 16a-21, as
111 amended by this act.

112 (b) No retail dealer of fuel oil or propane shall assess a residential
113 customer a minimum delivery surcharge on any delivery initiated by
114 the seller, including any delivery under an automatic delivery
115 agreement.

116 (c) A violation of the provisions of this section constitutes an unfair
117 trade practice under subsection (a) of section 42-110b.

118 Sec. 503. (NEW) (*Effective from passage*) This section shall be known
119 as and may be cited as the "Gasoline Transparency and Oversight Act".

120 Sec. 504. (NEW) (*Effective from passage*) As used in this act:

121 (1) "Distributor" has the same meaning as provided in subdivision
122 (3) of section 14-327a of the general statutes;

123 (2) "Fuel" means regular unleaded gasoline;

124 (3) "Major retailer" means any person who annually sells at retail to
125 consumers in this state more than one million gallons of fuel;

126 (4) "Major fuel supplier" means any person who owns fuel as it
127 enters the state for purposes of selling such fuel in the state;

128 (5) "Person" has the same meaning as provided in subdivision (65)
129 of section 14-1 of the general statutes;

130 (6) "Relevant time period" means July 1, 2007, through June 30, 2008;
131 and

132 (7) "Wholesale rack prices" means wholesale prices at which major
133 fuel suppliers sell branded or unbranded fuel to any other person,

134 including, but not limited to, a supplier, distributor or retailer, but
135 does not include any state or federal taxes, rebates, discounts, tax
136 incentives or transportation costs. Wholesale rack prices include, but
137 are not limited to, posted rack prices for fuel at bulk terminals.

138 Sec. 505. (NEW) (*Effective from passage*) On or before October 1, 2008,
139 each major fuel supplier and person who sells fuel at wholesale rack
140 prices shall file with the Department of Consumer Protection on forms
141 prescribed, prepared and furnished by said department, a certified
142 statement showing the following information, as applicable to each
143 supplier or seller: (A) The amount of fuel owned by such supplier that
144 entered the state; (B) the amount of fuel owned by the supplier or
145 seller that was brought to a wholesale rack location; and (C) the
146 amount of such fuel from each wholesale rack location sold to another
147 person, including a distributor or retailer and the price per unit of fuel,
148 which may be rack price and dealer tank wagon, that was charged to
149 each person. For purposes of this section, the amount of fuel data shall
150 be filed for the months of January, 2008 and June, 2008. The daily price
151 data shall be filed weekly during the relevant time period.

152 Sec. 506. (NEW) (*Effective from passage*) On or before October 1, 2008,
153 each distributor shall file with the Department of Consumer
154 Protection, on forms prescribed, prepared and furnished by said
155 department, a statement showing the amount of gasoline sold to
156 gasoline retailers in each municipality of this state during the months
157 of January, 2008 and June, 2008, aggregated by monthly total number
158 of gallons sold in each municipality to which such gasoline was
159 delivered. Such form shall not indicate the name of the distributor.
160 Each distributor shall be required to submit on a separate form a
161 certified affidavit under penalty of law that they have filed the
162 anonymous required filing and complied with the information
163 requirement of this section.

164 Sec. 507. (NEW) (*Effective from passage*) On or before October 1, 2008,
165 each major retailer shall file with the Department of Consumer
166 Protection, on forms prescribed, prepared and furnished by said

167 department, a certified statement showing the following information
168 for the relevant time period: For each day during the relevant time
169 period, the retail price for fuel charged by such retailer.

170 Sec. 508. (NEW) (*Effective from passage*) The Department of
171 Consumer Protection may, within available appropriations, purchase
172 price data from data service companies that said office may use to
173 assist in analyzing retail and wholesale fuel price and supply data. The
174 Department of Consumer Protection shall prescribe applicable
175 standards and practices for reporting to facilitate uniformity,
176 consistency and comparability of the data to be submitted pursuant to
177 this section.

178 Sec. 509. (NEW) (*Effective from passage*) The Department of
179 Consumer Protection shall analyze such information received
180 pursuant to this act and issue a report to the joint standing committees
181 of the General Assembly having cognizance of matters relating to
182 energy and consumer protection issues. Such report may contain
183 recommendations for administrative or legislative action and findings
184 concerning the gasoline market in Connecticut. The department shall
185 analyze such information and issue such report using available
186 resources of the state. The department may refer such information to
187 the appropriate state or federal agency for law enforcement purposes
188 or may initiate such legal action as deemed appropriate.

189 Sec. 510. (NEW) (*Effective from passage*) Information reported
190 pursuant to this act shall be considered trade secrets and proprietary
191 and confidential in nature and shall be exempt from disclosure
192 pursuant to chapter 14 of the general statutes. Such information shall
193 be maintained by the Department of Consumer Protection and shall
194 not be disclosed to any person or entity, public or private, except that
195 such information may be disclosed to a person or entity, public or
196 private, if such information is aggregate in form and does not disclose
197 or attribute any data to a particular company.

198 Sec. 511. (NEW) (*Effective from passage*) (a) The Department of

199 Consumer Protection shall notify those persons who have failed to
200 timely provide the information required by this act. The Attorney
201 General may issue a civil investigatory demand for information
202 required pursuant to sections 205 to 207, inclusive, of this act.

203 (b) If a person wilfully fails to supply information within twenty-
204 one business days after being notified of the failure to provide the
205 required information pursuant to subsection (a) of this section or if
206 such person fails to comply with a civil investigatory demand issued
207 pursuant to subsection (a) of this section, such person shall forfeit and
208 pay to the state a civil penalty of not less than one thousand dollars per
209 day or more than five thousand dollars per day for each day the
210 submission of information is refused or delayed. The Attorney
211 General, acting in the name of the state, may petition for recovery of
212 such penalties.

213 (c) If any person or any employee of any person wilfully, and with
214 the intent to defraud, makes any false statement, representation or
215 certification in any record, report, plan or other document filed with
216 the Attorney General pursuant to this act, the Attorney General, upon
217 petition to the court, may recover, on behalf of the state, a civil penalty
218 not to exceed five hundred thousand dollars. For purposes of this
219 subsection, a wilful violation occurs when the party committed the
220 violation knew or should have known that such conduct was a
221 violation of sections 501 to 518, inclusive, of this act.

222 Sec. 512. Section 42-234 of the general statutes is repealed and the
223 following is substituted in lieu thereof (*Effective from passage*):

224 (a) As used in this section:

225 (1) "Energy resource" shall include, but not be limited to, middle
226 distillate, residual fuel oil, motor gasoline, propane, aviation gasoline
227 and aviation turbine fuel, natural gas, electricity, coal and coal
228 products, wood fuels and any other resource yielding energy;

229 (2) "Seller" shall include, but not be limited to, a supplier,

230 wholesaler, distributor or retailer involved in the sale or distribution in
231 this state of an energy resource;

232 [(3) "Abnormal market disruption" refers to any stress to an energy
233 resource market resulting from weather conditions, acts of nature,
234 failure or shortage of a source of energy, strike, civil disorder, war,
235 national or local emergency, oil spill or other extraordinary adverse
236 circumstance.]

237 (3) "Additional costs" means all replacement and transportation
238 costs and taxes incurred by a person within the chain of distribution;

239 (4) "Gross disparity" means an increase of more than fifteen per cent
240 in the price of an energy resource;

241 (5) "Unconscionably excessive" means a price that represents a gross
242 disparity between the price of an energy resource when compared to
243 the highest price such energy resource was sold or offered for sale by
244 the seller in the usual course of business during the seven days
245 immediately prior to the declaration by the Governor of an energy
246 resource market disruption emergency pursuant to subsection (e) of
247 this section.

248 (b) No seller during any [period of abnormal market disruption]
249 energy resource market disruption emergency declared by the
250 Governor pursuant to subsection (e) of this section, or during any
251 period in which [an imminent abnormal market disruption] such
252 emergency is reasonably anticipated shall sell or offer to sell an energy
253 resource for an amount that represents an unconscionably excessive
254 price.

255 (c) Evidence that (1) the amount charged represents a gross
256 disparity between the price of an energy resource that was the subject
257 of the transaction and the price at which such energy resource was
258 sold or offered for sale by the seller in the usual course of business
259 immediately prior to [(A) the onset of an abnormal market disruption,
260 or (B)] an energy resource market disruption emergency declared by

261 the Governor pursuant to subsection (e) of this section or any period in
262 which [an imminent abnormal market disruption] such emergency is
263 reasonably anticipated, and (2) the amount charged by the seller was
264 not attributable to additional costs incurred by the seller in connection
265 with the sale of such product, shall constitute prima facie evidence that
266 a price is unconscionably excessive.

267 (d) This section shall not be construed to limit the ability of the
268 Commissioner of Consumer Protection or the courts to establish
269 certain acts or practices as unfair or unconscionable in the absence of
270 [abnormal market disruptions] an energy resource market disruption
271 emergency declared by the Governor pursuant to subsection (e) of this
272 section.

273 (e) In the event of a state-wide or regional shortage or threatened
274 shortage of an energy resource due to an abnormal market disruption
275 resulting from a natural disaster, weather conditions, acts of nature,
276 strike, civil disorder, war, national or local emergency or other
277 extraordinary adverse circumstance, the Governor may proclaim that
278 an energy resource market disruption emergency exists. Upon the
279 declaration of such emergency, the Governor may, in connection
280 therewith, issue orders designating an energy resource to be in short
281 supply or in danger of becoming in short supply in the state or in a
282 specific region of the state. Prior to the issuance of such an order, the
283 Governor shall make written findings that there is an abnormal market
284 disruption, that the energy resource is in short supply or is in danger
285 of becoming in short supply due to such disruption, that the energy
286 resource is essential to the health, safety and welfare of the people of
287 the state, and that the imposition of price restrictions on the energy
288 resource or rationing of such resource is necessary to assure the health,
289 safety and welfare of the people of the state.

290 (f) Any proclamation or order issued pursuant to this section shall
291 become effective upon its filing in the office of the Secretary of the
292 State and with the clerks of the Senate and the House of
293 Representatives. Such proclamation or order shall be published in full

294 at least once in a newspaper having general circulation in each county,
295 provided failure to publish shall not impair the validity of such
296 proclamation or order. Unless disapproved in accordance with the
297 provisions of subsection (g) of this section, any proclamation or order
298 shall remain in effect until the Governor proclaims an end to the
299 emergency or until ninety days after the date of the proclamation of
300 the emergency, whichever occurs first.

301 (g) Any proclamation or order issued pursuant to this section may
302 be disapproved by a majority vote of each house of the General
303 Assembly. Any such disapproval shall become effective upon filing
304 notice of such action with the office of the Secretary of the State.

305 (h) Any natural person, trade association, corporation or other
306 entity may register with the Commissioner of Consumer Protection as
307 an agent for the purpose of being notified by said commissioner or
308 said commissioner's agent in the event the Governor declares an
309 energy resource market disruption emergency pursuant to subsection
310 (e) of this section. Such natural person, trade association, corporation
311 or other entity shall be notified of such emergency by said
312 commissioner or said commissioner's agent in an expeditious manner
313 when the Governor declares an energy resource market disruption
314 emergency.

315 (i) A violation of the provisions of subsection (b) of this section shall
316 be deemed an unfair or deceptive trade act or practice under
317 subsection (a) of section 42-110b.

318 Sec. 513. Subsection (c) of section 42-133ff of the general statutes is
319 repealed and the following is substituted in lieu thereof (*Effective*
320 *October 1, 2008*):

321 (c) Nothing in this section shall prohibit any seller from offering a
322 discount to a buyer to induce such buyer to pay by cash, debit card,
323 check or similar means rather than by credit card. No person, firm or
324 entity shall prohibit a gasoline retailer or distributor from offering a
325 discount to a buyer based upon the method of payment by such buyer

326 for such gasoline. A violation of this subsection shall be deemed an
327 unfair or deceptive trade practice under subsection (a) of section 42-
328 110b.

329 Sec. 514. Section 52-512 of the general statutes is repealed and the
330 following is substituted in lieu thereof (*Effective from passage*):

331 (a) Every debt due to any laborer or mechanic for personal wages,
332 from any corporation or partnership for which a receiver is appointed,
333 for any labor performed for such corporation or partnership within
334 three months next preceding the service of the application for the
335 appointment of a receiver, shall be paid in full by the receiver, to the
336 amount of six hundred dollars, before the general liabilities of such
337 corporation or partnership are paid.

338 (b) Every debt due to any individual from a corporation or
339 partnership for which a receiver is appointed for a deposit made in
340 connection with the purchase, lease or rental of goods or the purchase
341 of services for the personal, family or household use of such
342 individual, where such goods were not received or such services were
343 not provided prior to the service of the application for the appointment
344 of a receiver, shall be paid in full by the receiver, to the amount [of
345 nine hundred dollars] allowed for certain consumer deposits pursuant
346 to subdivision (7) of subsection (a) of 11 USC Section 507, as amended
347 and adjusted from time to time pursuant to 11 USC Section 104, as
348 amended from time to time, before [the general liabilities] any other
349 creditor, except taxes or wages, of the corporation or partnership [are]
350 is paid. As used in this section, "deposit in connection with the
351 purchase, lease or rental of goods" includes, but is not limited to,
352 payments made by a consumer to a home heating oil or propane gas
353 dealer pursuant to a prepaid home heating oil or propane gas contract
354 or capped price per gallon home heating oil contract.

355 Sec. 515. Section 52-400f of the general statutes is repealed and the
356 following is substituted in lieu thereof (*Effective from passage*):

357 In the event of (1) the termination of the existence of an entity, (2)

358 the insolvency of a person or entity, or (3) the inability of a person or
359 entity to pay all creditors in full, every debt due to any individual from
360 such person or entity for a deposit made in connection with the
361 purchase, lease or rental of goods or the purchase of services for the
362 personal, family or household use of such individual, where such
363 goods were not received or such services were not provided, shall be
364 first paid in full, to the amount [of nine hundred dollars] allowed for
365 certain consumer deposits pursuant to subdivision (7) of subsection (a)
366 of 11 USC Section 507, as amended and adjusted from time to time
367 pursuant to 11 USC Section 104, as amended from time to time, before
368 [the general liabilities] any other creditor, except taxes or wages, of
369 such person or entity [are] is paid. As used in this section, "deposit
370 made in connection with the purchase, lease or rental of goods"
371 includes, but is not limited to, payments made by a consumer to a
372 home heating oil or propane gas dealer pursuant to a prepaid home
373 heating oil or propane gas contract or capped price per gallon home
374 heating oil contract.

375 Sec. 516. (NEW) (*Effective from passage*) Any person who has applied
376 for and been issued a Connecticut Operating Stationary Engineer type
377 OE-2 license not later than January 1, 2009, from the Department of
378 Consumer Protection shall be exempt from the heating system and air
379 conditioning or refrigeration system on-site operational provisions of
380 subdivision (5) of section 20-330 of the general statutes.

381 Sec. 517. Subsections (a) and (b) of section 25-129 of the 2008
382 supplement to the general statutes are repealed and the following is
383 substituted in lieu thereof (*Effective January 1, 2009*):

384 (a) The Commissioner of Consumer Protection, with the advice and
385 assistance of the board, shall establish the requirements of registration
386 for well drilling contractors. Each person, before engaging in the
387 business of well drilling or pump installing, shall obtain [annually]
388 biennially from the Department of Consumer Protection a certificate of
389 registration as a well drilling contractor, using an application [blank]
390 form prepared by said department. Each application for issuance or

391 renewal of a certificate of registration shall be accompanied by a
392 certificate of liability coverage for bodily injury of at least one hundred
393 thousand dollars per person with an aggregate of at least three
394 hundred thousand dollars and for property damage of at least fifty
395 thousand dollars per accident with an aggregate of at least one
396 hundred thousand dollars. [The applicant shall pay a registration]
397 Each application shall be accompanied by a fee of [forty-four dollars
398 with the application] eighty-eight dollars and [an annual] each biennial
399 renewal [registration] shall be accompanied by a fee of [one hundred
400 twenty-five dollars for renewals on and after April 1, 1984] two
401 hundred fifty dollars. A certificate of registration is not transferable
402 and expires [annually] biennially. [A lost, destroyed or mutilated
403 registration certificate may be replaced by a duplicate upon payment
404 of a lost fee of three dollars. One seal shall be issued to each registrant
405 as provided in subsection (b) of this section. Additional seals may be
406 obtained at a fee of three dollars each.]

407 (b) [A] For each well drilling machine owned, leased or operated by
408 a well drilling contractor, such contractor shall place in a conspicuous
409 location on both sides of [his] the well drilling machine [his] such
410 contractor's registration number in letters not less than two inches
411 high. [A seal furnished by said department designating the year the
412 certificate of registration was issued or renewed and the words
413 "Connecticut registered well drilling contractor" shall be affixed
414 directly adjacent to the registration number.]

415 Sec. 518. Section 25-130 of the general statutes is repealed and the
416 following is substituted in lieu thereof (*Effective January 1, 2009*):

417 Before commencing work on any water-supply well, the registered
418 well driller shall apply to the [board] department for a permit to drill
419 such well. [A fee of five dollars shall accompany such application.] The
420 department may impose a fee of five dollars for each such permit form
421 and may issue permits in an electronic format. If the water-supply well
422 conforms to the Well Drilling Code, as from time to time amended, the
423 [board] department shall issue such permit which shall contain the

424 name and address of the well driller, the date of issuance and the
425 specific location of the well. The driller shall then submit the permit
426 with a fee to be determined by the legislative body of a town, city or
427 borough or the board of a district department of health, as the case
428 may be, to the local director of health or [his] such director's agent,
429 who shall sign such permit if said proposed water-supply well
430 conforms to the Public Health Code. No water-supply well shall be
431 drilled until such a permit is issued and countersigned and until the
432 driller has informed his or her client, in writing, that well drilling is
433 subject to regulation by the Department of Consumer Protection and
434 that complaints may be directed to that department."