



# Senate

## File No. 1000

General Assembly

January Session, 2009

**(Reprint of File No. 121)**

Substitute Senate Bill No. 849  
As Amended by Senate Amendment Schedule  
"A" and House Amendment Schedule "A"

Approved by the Legislative Commissioner  
May 28, 2009

**AN ACT CONCERNING MUNICIPAL ENFORCEMENT OF  
OCCUPATIONAL LICENSURE LAWS AND DEFINING MILLWRIGHT  
WORK.**

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

1 Section 1. Section 29-261 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 (a) The building official, to be eligible for appointment, shall have  
4 had at least five years' experience in construction, design or  
5 supervision and assistant building officials shall have had at least three  
6 years' experience in construction, design or supervision, or equivalent  
7 experience as determined by the Commissioner of Public Safety. They  
8 shall be generally informed on the quality and strength of building  
9 materials, on the accepted requirements of building construction, on  
10 the accepted requirements of design and construction relating to  
11 accessibility to and use of buildings by the physically disabled, on  
12 good practice in fire prevention, on the accepted requirements  
13 regarding light and ventilation, on the accepted requirements for safe  
14 exit facilities and on other items of equipment essential for the safety,  
15 comfort and convenience of occupants and shall be certified under the

16 provisions of section 29-262.

17 (b) The building official or assistant building official shall pass upon  
18 any question relative to the mode, manner of construction or materials  
19 to be used in the erection or alteration of buildings or structures,  
20 pursuant to applicable provisions of the State Building Code and in  
21 accordance with rules and regulations adopted by the Department of  
22 Public Safety. They shall require compliance with the provisions of the  
23 State Building Code, of all rules lawfully adopted and promulgated  
24 thereunder and of laws relating to the construction, alteration, repair,  
25 removal, demolition and integral equipment and location, use,  
26 accessibility, occupancy and maintenance of buildings and structures,  
27 except as may be otherwise provided for.

28 (c) A building official may request proof of licensure from any  
29 person at a construction site for which a building permit was issued. If  
30 such official finds any person engaging in or practicing work in an  
31 occupation for which a license is required under chapters 393 and  
32 393a, without first having obtained an apprentice permit or a license  
33 for such work or occupation, the building official may notify the  
34 Commissioner of Consumer Protection of such violation and may issue  
35 a written order and personally deliver such order or send such order  
36 by certified mail to the person holding such building permit. Such  
37 order may require that any person working at such site without the  
38 required permit or license shall cease work at the site immediately. The  
39 unlicensed person may perform such work or occupation at the  
40 construction site upon submission of documentation satisfactory to the  
41 building official of compliance under said chapters 393 and 393a.

42 (d) The building official or his assistant shall have the right of entry  
43 to such buildings or structures, except single-family residences, for the  
44 proper performance of his duties between the hours of nine a.m. and  
45 five p.m., except that in the case of an emergency he shall have the  
46 right of entry at any time, if such entry is necessary in the interest of  
47 public safety.

48 (e) Notwithstanding any provision of the Freedom of Information  
49 Act, as defined in section 1-200, or the State Building Code, upon  
50 receipt of a written request signed by the owner of plans and  
51 specifications on file for a single-family dwelling or out-building, the  
52 building official shall immediately return the original plans and  
53 specifications to the owner after a certificate of occupancy is issued  
54 with respect to the plans and specifications.

55 Sec. 2. Section 20-341 of the general statutes is repealed and the  
56 following is substituted in lieu thereof (*Effective July 1, 2009*):

57 (a) Any person who wilfully engages in or practices the work or  
58 occupation for which a license is required by this chapter without  
59 having first obtained an apprentice permit or a certificate and license  
60 for such work, or who wilfully employs or supplies for employment a  
61 person who does not have a certificate and license for such work, or  
62 who wilfully and falsely pretends to qualify to engage in or practice  
63 such work or occupation, or who wilfully engages in or practices any  
64 of the work or occupations for which a license is required by this  
65 chapter after the expiration of such person's license, shall be guilty of a  
66 class B misdemeanor, provided no criminal charges shall be instituted  
67 against such person pursuant to this subsection unless the work  
68 activity in question is reviewed by the Commissioner of Consumer  
69 Protection, or the commissioner's authorized agent, and the  
70 commissioner or such agent specifically determines, in writing, that  
71 such work activity requires a license and is not the subject of a bona  
72 fide dispute between persons engaged in any trade or craft, whether  
73 licensed or unlicensed. Notwithstanding the provisions of subsection  
74 (d) or (e) of section 53a-29 and subsection (d) of section 54-56e, if the  
75 court determines that such person cannot fully repay any victims of  
76 such person within the period of probation established in subsection  
77 (d) or (e) of section 53a-29 or subsection (d) of section 54-56e, the court  
78 may impose probation for a period of not more than five years. The  
79 penalty provided in this subsection shall be in addition to any other  
80 penalties and remedies available under this chapter or chapter 416.

81 (b) The appropriate examining board or the Commissioner of  
82 Consumer Protection may, after notice and hearing, impose a civil  
83 penalty on any person who engages in or practices the work or  
84 occupation for which a license or apprentice registration certificate is  
85 required by this chapter, chapter 394 or chapter 482 without having  
86 first obtained such a license or certificate, or who wilfully employs or  
87 supplies for employment a person who does not have such a license or  
88 certificate or who wilfully and falsely pretends to qualify to engage in  
89 or practice such work or occupation, or who engages in or practices  
90 any of the work or occupations for which a license or certificate is  
91 required by this chapter, chapter 394 or chapter 482 after the expiration  
92 of the license or certificate or who violates any of the provisions of this  
93 chapter, chapter 394 or chapter 482 or the regulations adopted  
94 pursuant thereto. Such penalty shall be in an amount not more than  
95 one thousand dollars for a first violation of this subsection, not more  
96 than one thousand five hundred dollars for a second violation of this  
97 subsection and not more than three thousand dollars for each violation  
98 of this subsection occurring less than three years after a second or  
99 subsequent violation of this subsection, except that any individual  
100 employed as an apprentice but improperly registered shall not be  
101 penalized for a first offense.

102 (c) If an examining board or the Commissioner of Consumer  
103 Protection imposes a civil penalty under the provisions of subsection  
104 (b) of this section as a result of a violation initially reported by a  
105 municipal building official in accordance with subsection (c) of section  
106 29-261, as amended by this act, the commissioner shall, not less than  
107 sixty days after collecting such civil penalty, remit one-half of the  
108 amount collected to such municipality.

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

112 (e) This section shall not apply to any person who (1) holds a license  
113 issued under this chapter, chapter 394 or chapter 482 and performs

114 work that is incidentally, directly and immediately appropriate to the  
115 performance of such person's trade where such work commences at an  
116 outlet, receptacle or connection previously installed by a person  
117 holding the proper license, or (2) engages in work that does not require  
118 a license under this chapter, chapter 394 or chapter 482.

119 Sec. 3. Section 20-330 of the general statutes is repealed and the  
120 following is substituted in lieu thereof (*Effective October 1, 2009*):

121 As used in this chapter:

122 (1) "Contractor" means any person regularly offering to the general  
123 public services of such person or such person's employees in the field  
124 of electrical work, plumbing and piping work, solar work, heating,  
125 piping, cooling and sheet metal work, fire protection sprinkler systems  
126 work, elevator installation, repair and maintenance work, irrigation  
127 work, automotive glass work or flat glass work, as defined in this  
128 section;

129 (2) "Electrical work" means the installation, erection, maintenance,  
130 alteration or repair of any wire, cable, conduit, busway, raceway,  
131 support, insulator, conductor, appliance, apparatus, fixture or  
132 equipment that generates, transforms, transmits or uses electrical  
133 energy for light, heat, power or other purposes, but does not include  
134 low voltage wiring, not exceeding twenty-four volts, used within a  
135 lawn sprinkler system;

136 (3) "Plumbing and piping work" means the installation, repair,  
137 replacement, alteration or maintenance of gas, water and associated  
138 fixtures, tubing and piping mains and branch lines up to and including  
139 the closest valve to a machine or equipment used in the manufacturing  
140 process, laboratory equipment, sanitary equipment, other than  
141 subsurface sewage disposal systems, fire prevention apparatus, all  
142 water systems for human usage, sewage treatment facilities and all  
143 associated fittings within a building and includes lateral storm and  
144 sanitary lines from buildings to the mains, process piping, swimming  
145 pools and pumping equipment, and includes making connections to

146 back flow prevention devices, and includes low voltage wiring, not  
147 exceeding twenty-four volts, used within a lawn sprinkler system, but  
148 does not include (A) solar work, except for the repair of those portions  
149 of a solar hot water heating system that include the basic domestic hot  
150 water tank and the tie-in to the potable water system, (B) the  
151 installation, repair, replacement, alteration or maintenance of fire  
152 prevention apparatus within a structure, except for standpipes that are  
153 not connected to sprinkler systems, [and] (C) medical gas and vacuum  
154 systems work, and (D) millwright work. For the purposes of this  
155 subdivision, "process piping" means piping or tubing that conveys  
156 liquid or gas that is used directly in the production of a chemical or a  
157 product for human consumption;

158 (4) "Solar thermal work" means the installation, erection, repair,  
159 replacement, alteration, or maintenance of active, passive and hybrid  
160 solar systems that directly convert ambient energy into heat or convey,  
161 store or distribute such ambient energy;

162 (5) "Heating, piping and cooling work" means (A) the installation,  
163 repair, replacement, maintenance or alteration of any apparatus for  
164 piping, appliances, devices or accessories for heating systems,  
165 including sheet metal work, (B) the installation, repair, replacement,  
166 maintenance or alteration of air conditioning and refrigeration  
167 systems, boilers, including apparatus and piping for the generation or  
168 conveyance of steam and associated pumping equipment and process  
169 piping and the installation of tubing and piping mains and branch  
170 lines up to and including the closest valve to a machine or equipment  
171 used in the manufacturing process, but excluding millwright work,  
172 and (C) on-site operation, by manipulating, adjusting or controlling,  
173 with sufficient technical knowledge, as determined by the  
174 commissioner, (i) heating systems with a steam or water boiler  
175 maximum operating pressure of fifteen pounds per square inch gauge  
176 or greater, or (ii) air conditioning or refrigeration systems with an  
177 aggregate of more than fifty horsepower or kilowatt equivalency of  
178 fifty horsepower or of two hundred pounds of refrigerant. Heating,  
179 piping and cooling work does not include solar work or medical gas

180 and vacuum systems work or the passive monitoring of heating, air  
181 conditioning or refrigeration systems. For the purposes of this  
182 subdivision, "process piping" means piping or tubing that conveys  
183 liquid or gas that is used directly in the production of a chemical or a  
184 product for human consumption;

185 (6) "Apprentice" means any person registered with the Labor  
186 Department for the purpose of learning a skilled trade;

187 (7) "Elevator installation, repair and maintenance work" means the  
188 installation, erection, maintenance and repair of all types of elevators,  
189 dumb waiters, escalators, and moving walks and all mechanical  
190 equipment, fittings, associated piping and wiring from a source of  
191 supply brought to the equipment room by an unlimited electrical  
192 contractor for all types of machines used to hoist or convey persons or  
193 materials, but does not include temporary hoisting machines used for  
194 hoisting materials in connection with any construction job or project;

195 (8) "Elevator maintenance" means the lubrication, inspection and  
196 replacement of controls, hoistway and car parts;

197 (9) "Fire protection sprinkler systems work" means the layout, on-  
198 site fabrication, installation, alteration, maintenance or repair of any  
199 automatic or manual sprinkler system designed for the protection of  
200 the interior or exterior of a building or structure from fire, or any  
201 piping or tubing and appurtenances and equipment pertaining to such  
202 system including overhead and underground water mains, fire  
203 hydrants and hydrant mains, standpipes and hose connections to  
204 sprinkler systems, sprinkler tank heaters excluding electrical wiring,  
205 air lines and thermal systems used in connection with sprinkler and  
206 alarm systems connected thereto, foam extinguishing systems or  
207 special hazard systems including water spray, foam, carbon dioxide or  
208 dry chemical systems, halon and other liquid or gas fire suppression  
209 systems, but does not include (A) any engineering design work  
210 connected with the layout of fire protection sprinkler systems, or (B)  
211 any work performed by employees of or contractors hired by a public

212 water system, as defined in subsection (a) of section 25-33d;

213 (10) "State Fire Marshal" means the State Fire Marshal or any  
214 member of the Division of State Police to whom the Commissioner of  
215 Public Safety has delegated powers under section 29-291;

216 (11) "Journeyman sprinkler fitter" means a specialized pipe fitter  
217 craftsman, experienced and skilled in the installation, alteration,  
218 maintenance and repair of fire protection sprinkler systems;

219 (12) "Irrigation work" means making the connections to back flow  
220 prevention devices, and low voltage wiring, not exceeding twenty-four  
221 volts, used within a lawn sprinkler system;

222 (13) "Sheet metal work" means the installation, erection,  
223 replacement, repair or alteration of duct work systems, both ferrous  
224 and nonferrous;

225 (14) "Journeyman sheet metal worker" means an experienced  
226 craftsman skilled in the installation, erection, replacement, repair or  
227 alteration of duct work systems, both ferrous and nonferrous;

228 (15) "Automotive glass work" means installing, maintaining or  
229 repairing fixed glass in motor vehicles;

230 (16) "Flat glass work" means installing, maintaining or repairing  
231 glass in residential or commercial structures;

232 (17) "Medical gas and vacuum systems work" means the work and  
233 practice, materials, instrumentation and fixtures used in the  
234 construction, installation, alteration, extension, removal, repair,  
235 maintenance or renovation of gas and vacuum systems and equipment  
236 used solely to transport gases for medical purposes and to remove  
237 liquids, air-gases or solids from such systems;

238 (18) "Solar electricity work" means the installation, erection, repair,  
239 replacement, alteration, or maintenance of photovoltaic or wind  
240 generation equipment used to distribute or store ambient energy for



241 heat, light, power or other purposes to a point immediately inside any  
242 structure or adjacent to an end use;

243 (19) "Active solar system" means a system that uses an external  
244 source of energy to power a motor-driven fan or pump to force the  
245 circulation of a fluid through solar heat collectors and which removes  
246 the sun's heat from the collectors and transports such heat to a location  
247 where it may be used or stored;

248 (20) "Passive solar system" means a system that is capable of  
249 collecting or storing the sun's energy as heat without the use of a  
250 motor-driven fan or pump;

251 (21) "Hybrid solar system" means a system that contains  
252 components of both an active solar system and a passive solar system;  
253 [and]

254 (22) "Gas hearth product work" means the installation, service or  
255 repair of a propane or natural gas fired fireplace, fireplace insert, stove  
256 or log set and associated venting and piping that simulates a flame of a  
257 solid fuel fire. "Gas hearth product work" does not include (A) fuel  
258 piping work, (B) the servicing of fuel piping, or (C) work associated  
259 with pressure regulating devices, except for appliances gas valves; and

260 (23) "Millwright work" means the installation, repair, replacement,  
261 maintenance or alteration of (A) power generation machinery, or (B)  
262 industrial machinery, including the related interconnection of piping  
263 and tubing used in the manufacturing process, but does not include  
264 the performance of any action for which licensure is required under  
265 this chapter.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2009	29-261
Sec. 2	July 1, 2009	20-341
Sec. 3	October 1, 2009	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Consumer Protection, Dept.	GF - Revenue Gain	Minimal	Minimal

Note: GF=General Fund

#### **Municipal Impact:**

Municipalities	Effect	FY 10 \$	FY 11 \$
All Municipalities	Revenue Loss	Minimal	Minimal

### **Explanation**

The bill as amended results in a minimal revenue gain to the state and conversely a minimal revenue loss to municipalities by narrowing the circumstances under which a municipality gets half the revenue from fines collected for certain occupational violations. Under current law the sharing of fine revenue can occur if any town official makes a report. The bill narrows the fine sharing to reports made by local building officials.

Additionally the bill results in a minimal revenue gain as additional categories of work are added to the definition of "plumbing and piping work" for which the Department of Consumer Protection (DCP) requires a licensing fee.

Senate "A" (LCO 6409) added the categories of work to the definition of "plumbing and piping work" and therefore resulted in a minimal revenue gain to the state due to the licensing fees paid to DCP.

House "A" (LCO 7643) redefines the definition of "millwright work," which would reduce the revenue gain in Senate "A" minimally.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 849 (File 121, as amended by House “A” and Senate “A”)\******AN ACT CONCERNING MUNICIPAL ENFORCEMENT OF  
OCCUPATIONAL LICENSURE LAWS.*****SUMMARY:**

This bill narrows the circumstances in which a municipality gets half the revenue from fines collected for certain occupational violations. It thus potentially reduces the amount of revenue a municipality receives from such violations. It also codifies a local building official’s authority to notify the consumer protection commissioner of anyone working at a building construction site without the requisite permit or license.

The bill also expands the definition of “heating, piping and cooling work” to include the installation of tubing and piping mains and branch lines up to and including the closest valve to a machine or equipment used in manufacturing. It also expands the definition of “plumbing and piping work” to include the installation, repair, replacement, alteration, or maintenance of tubing and piping mains and branch lines up to and including the closest valve to a machine or equipment used in manufacturing. The bill thereby subjects people engaged in these activities to the licensing requirements and disciplinary authority of the pertinent licensing board (see BACKGROUND). The bill does not apply to millwright work, which it defines as the installation, repair, replacement, maintenance, or alteration of (1) power generation machinery or (2) industrial machinery, including the related interconnection of piping and tubing used in manufacturing. It does not include the performance of any action requiring an occupational license.

\*Senate Amendment “A” adds the definition of millwright work

and expands the definition of (1) “heating, piping, and cooling” work and (2) “plumbing and piping work.”

\*House Amendment “A” redefines Senate “A’s” definition of millwright work to (1) include work on power generation machinery and (2) exclude any action requiring licensure.

EFFECTIVE DATE: October 1, 2009 for the provisions pertaining to the definitions; July 1, 2009 for the other provisions.

### **FINES AND PENALTIES**

By law, the consumer protection commissioner or appropriate occupational examining board may levy civil penalties on people who violate occupational licensing laws by working without the requisite license or certificate. Under current law, the commissioner must remit to municipalities one-half of the amount he collects from penalties for violations initially reported by a municipal official. The bill limits municipal remittances to fines collected in cases (1) reported by building officials, rather than all municipal officials, and (2) involving violations of chapter 393 at a building construction site. Under current law, remittances also apply to violations of chapters 394 and 482 (see BACKGROUND).

### **BACKGROUND**

#### ***Occupational Licensing and Examining Boards***

State law establishes a licensing system for several trades overseen by different licensing boards, including the Examining Board for Electrical Work and the Examining Board for Plumbing and Piping Work. They have the power to determine who qualifies for a license and to enforce standards by disciplining licensees. Each trade has different levels of expertise apprentice, journeyman, and contractor. Workers must meet education, training, and experience requirements to qualify for each level. Boards may create limited licenses authorizing their holders to work in a specific area of a trade. They establish less extensive: requirements for workers attempting to qualify for a limited license. The Department of Consumer Protection’s

duties to the boards include receiving complaints, carrying out investigations, and performing administrative tasks, such as physically issuing licenses and renewals.

The occupations the boards oversee are shown in Table 1.

**Table 1: Occupations Overseen by Examining Boards**

<i>Chapter 393</i>	<i>Chapter 394</i>	<i>Chapter 482</i>
Electricians, plumbers, solar heating and piping contractors and journeymen, elevator and fire protection sprinkler craftsmen, irrigation contractors and journeymen, gas hearth installer contactors and journeymen	TV and radio service dealers and electronic technicians	Well drilling contractors

## COMMITTEE ACTION

### Public Safety and Security Committee

Joint Favorable Substitute Change of Reference

Yea 20 Nay 0 (02/17/2009)

### General Law Committee

Joint Favorable

Yea 18 Nay 0 (03/05/2009)

### Planning and Development Committee

Joint Favorable

Yea 17 Nay 0 (04/13/2009)