



Senate

General Assembly

File No. 91

January Session, 2009

Senate Bill No. 936

Senate, March 16, 2009

The Committee on General Law reported through SEN. COLAPIETRO of the 31st Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING ADVERTISING BY NONLICENSED TRADESPERSONS.

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

1 Section 1. Subsection (a) of section 20-341 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2009*):

4 (a) Any person who wilfully engages in or practices the work or
5 occupation for which a license is required by this chapter without
6 having first obtained an apprentice permit or a certificate and license
7 for such work, or who wilfully employs or supplies for employment a
8 person who does not have a certificate and license for such work, or
9 who wilfully and falsely pretends to qualify to engage in or practice
10 such work or occupation, including, but not limited to, offering to
11 perform such work in any print, electronic, television or radio
12 advertising or listing when such person does not hold a license for
13 such work as required by this chapter, or who wilfully engages in or
14 practices any of the work or occupations for which a license is required

15 by this chapter after the expiration of such person's license, shall be
 16 guilty of a class B misdemeanor, provided no criminal charges shall be
 17 instituted against such person pursuant to this subsection unless the
 18 work activity in question is reviewed by the Commissioner of
 19 Consumer Protection, or the commissioner's authorized agent, and the
 20 commissioner or such agent specifically determines, in writing, that
 21 such work activity requires a license and is not the subject of a bona
 22 fide dispute between persons engaged in any trade or craft, whether
 23 licensed or unlicensed. Notwithstanding the provisions of subsection
 24 (d) or (e) of section 53a-29 and subsection (d) of section 54-56e, if the
 25 court determines that such person cannot fully repay any victims of
 26 such person within the period of probation established in subsection
 27 (d) or (e) of section 53a-29 or subsection (d) of section 54-56e, the court
 28 may impose probation for a period of not more than five years. The
 29 penalty provided in this subsection shall be in addition to any other
 30 penalties and remedies available under this chapter or chapter 416.

31 Sec. 2. Subsection (a) of section 20-334 of the general statutes is
 32 repealed and the following is substituted in lieu thereof (*Effective*
 33 *October 1, 2009*):

34 (a) No person shall engage in, practice or offer to perform the work
 35 of any occupation subject to this chapter in this state or wilfully and
 36 falsely offer to perform such work in any print, electronic, television or
 37 radio advertising or listing when such person does not hold a license
 38 for such work as required by this chapter unless such person has first
 39 obtained a license as provided in section 20-333, or possesses a card of
 40 registration from the Labor Department or the board and is subject to
 41 all of the regulations adopted under this chapter for the purpose of
 42 governing apprenticeship training, or has been issued a license for
 43 such particular work under this chapter prior to July 6, 1967.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	20-341(a)
Sec. 2	<i>October 1, 2009</i>	20-334(a)

GL *Joint Favorable*

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 \$
Various Criminal Justice Agencies	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill specifies that the prohibition against willfully and falsely pretending to qualify to practice a licensed trade when not licensed to do such work, which is punishable as a class B misdemeanor, applies to any offer to perform work in a print, electronic, television, or radio advertisement. Since the bill does not make a substantive change to the scope of the law, there is no fiscal impact.

OLR Bill Analysis**SB 936*****AN ACT CONCERNING ADVERTISING BY NONLICENSED TRADESPERSONS.*****SUMMARY:**

The law prohibits anyone from willfully and falsely pretending to qualify to practice a licensed trade. This bill specifies that the prohibition includes offering to perform work in a print, electronic, television, or radio advertisement or listing when not licensed to do such work. It applies to contractors in the following trades: electrical; plumbing; heating, piping, and cooling; elevator installation and repair; solar electrical; solar thermal; fire protection sprinkler systems; gas hearths; irrigation; medical gas and vacuum systems; sheet metal; and automotive and flat glass.

The law authorizes the consumer protection commissioner and the licensing boards overseeing these trades to impose penalties for violating the licensing law, including the prohibition the bill establishes. In addition, violators commit a class B misdemeanor.

EFFECTIVE DATE: October 1, 2009

BACKGROUND***Civil Penalties***

Civil penalties include (1) license suspension or revocation; (2) probation; and (3) a fine of up to (a) \$1,000 for a first violation, (b) \$1,500 for a second violation, and (c) \$3,000 for subsequent violations occurring less than three years after the previous violation.

Criminal Penalty

A class B misdemeanor is punishable by up to six months imprisonment, a fine of up to \$1,000, or both. Before anyone may be

prosecuted for a licensing law violation, the law requires the consumer protection commissioner to (1) review the activity in question and (2) make a written determination that the activity requires a license and is not the subject of a bona fide dispute between members of a trade or craft, regardless of whether they are licensed.

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 17 Nay 0 (03/03/2009)