



General Assembly

Substitute Bill No. 324

January Session, 2009

* SB00324GL 031009 *

AN ACT REQUIRING THE REGISTRATION OF PRIVATE SOLID WASTE COLLECTORS.

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

1 Section 1. (NEW) (*Effective October 1, 2010*) As used in this section
2 and sections 2 to 4, inclusive, of this act:

3 (1) "Certificate" means a certificate of registration issued under
4 section 2 of this act;

5 (2) "Commissioner" means the Commissioner of Consumer
6 Protection or any person designated by the commissioner to
7 administer and enforce this section and sections 2 to 4, inclusive, of this
8 act;

9 (3) "Engage in the collection of solid waste" means to collect and
10 transport solid waste from its location to a solid waste facility for the
11 purpose of compensation or profit;

12 (4) "Solid waste" has the same meaning as set forth in section 22a-
13 207 of the general statutes; and

14 (5) "Person" means one or more individuals, partnerships,
15 associations, corporations, limited liability companies, business trusts,
16 legal representatives or any organized group of persons. "Person" shall
17 not include any state or municipal entity or quasi-public agency.

18 Sec. 2. (NEW) (*Effective October 1, 2010*) (a) No person shall engage
19 in the collection of solid waste or hold himself or herself out as a solid
20 waste collector unless such person has been issued a certificate of
21 registration by the commissioner in accordance with the provisions of
22 this section.

23 (b) Any person seeking a certificate of registration shall apply to the
24 commissioner, in writing, on a form provided by the commissioner.
25 The application shall include (1) the applicant's name, business street
26 address and business telephone number, (2) the identity of the insurer
27 that provides the applicant with insurance coverage for liability, (3) if
28 such applicant is required by any provision of the general statutes to
29 have workers' compensation coverage, the identity of the insurer that
30 provides the applicant with such workers' compensation coverage, and
31 (4) if such applicant is required by any provision of the general statutes
32 to have an agent for service of process, the name and address of such
33 agent. Each such application shall be accompanied by a fee of two
34 hundred fifty dollars.

35 (c) Certificates issued to solid waste collectors shall not be
36 transferable or assignable.

37 (d) All certificates issued under the provisions of this section shall
38 expire annually. The fee for renewal of a certificate shall be the same as
39 the fee charged for an original application.

40 (e) A certificate shall not be restored unless it is renewed not later
41 than one year after its expiration.

42 (f) Failure to receive a notice of expiration or a renewal application
43 shall not exempt a solid waste collector from the obligation to renew
44 his or her certificate.

45 (g) The certification required by this section shall be in addition to
46 the registration required by section 22a-220a of the general statutes.

47 Sec. 3. (NEW) (*Effective October 1, 2010*) The commissioner may

48 revoke, suspend or refuse to issue or renew any certificate issued
49 pursuant to section 2 of this act, or place a registrant on probation or
50 issue a letter of reprimand after notice and hearing, in accordance with
51 the provisions of chapter 54 of the general statutes, concerning
52 contested cases if it is shown that the holder of such certificate has: (1)
53 Failed to comply with any provision of section 2 of this act; (2)
54 obtained the certificate through fraud or misrepresentation; (3)
55 engaged in conduct of a character likely to mislead, deceive or defraud
56 the public or the commissioner; (4) engaged in any untruthful or
57 misleading advertising; (5) engaged in an unfair or deceptive business
58 practice under subsection (a) of section 42-110b of the general statutes;
59 or (6) if applicable, failed to maintain a certificate of good standing
60 issued by the office of the Secretary of the State.

61 Sec. 4. (NEW) (*Effective October 1, 2010*) (a) The commissioner may,
62 after notice and hearing, in accordance with the provisions of chapter
63 54 of the general statutes, impose a civil penalty on any person who (1)
64 engages in or practices the work for which a certificate of registration
65 is required by section 2 of this act, without having first obtained such a
66 certificate of registration, (2) engages in or practices any of the work
67 for which a certificate of registration is required by section 2 of this act
68 after the expiration of such person's certificate of registration, or (3)
69 violates any of the provisions of section 2 of this act.

70 (b) Such civil penalty shall not exceed (1) five hundred dollars for a
71 first violation, (2) seven hundred fifty dollars for a second violation
72 occurring not more than three years after a prior violation, and (3) one
73 thousand five hundred dollars for a third or subsequent violation
74 occurring not more than three years after a prior violation.

75 (c) Any civil penalty collected pursuant to this section shall be
76 deposited in the consumer protection enforcement account established
77 in section 21a-8a of the general statutes.

78 Sec. 5. (NEW) (*Effective October 1, 2010*) A violation of any of the
79 provisions of section 2 of this act shall be deemed an unfair or

80 deceptive trade practice under subsection (a) of section 42-110b of the
81 general statutes.

82 Sec. 6. Section 42-158aa of the general statutes is repealed and the
83 following is substituted in lieu thereof (*Effective January 1, 2010*):

84 (a) No provision of a contract for refuse removal or disposal which
85 states that the term of such contract shall be deemed renewed for a
86 [specified additional] period of time in excess of one year shall be
87 enforceable unless [the person against whom such provision is to be
88 enforced initialed or signed a conspicuous statement immediately
89 following such provision, stating, in boldface type at least twelve
90 points in size: "I acknowledge that this contract contains an
91 AUTOMATIC RENEWAL provision."] the recipient of such refuse
92 removal or disposal services initials or signs a clear and conspicuous
93 written statement agreeing to the renewal of such contract provision
94 not earlier than ninety days prior to the renewal date for such services.
95 The provisions of this subsection apply to written contracts and shall
96 also apply to contracts meeting the requirements of the Connecticut
97 Uniform Electronic Transactions Act, sections 1-266 to 1-286, inclusive.

98 (b) The provisions of this section shall not apply to: (1) Any contract
99 in which the automatic renewal period specified is [thirty-one days or]
100 less than one year and can be cancelled at any time without penalty or
101 damages, or (2) a written contract, other than a contract for refuse
102 removal or disposal, that is subject to the provisions of section 42-126b.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	New section
Sec. 2	<i>October 1, 2010</i>	New section
Sec. 3	<i>October 1, 2010</i>	New section
Sec. 4	<i>October 1, 2010</i>	New section
Sec. 5	<i>October 1, 2010</i>	New section
Sec. 6	<i>January 1, 2010</i>	42-158aa

Statement of Legislative Commissioners:

In section 2, subsection (g) was added to clarify statutory registration requirements, and in sections 2 to 5, inclusive, references to "sections 2 to 4, inclusive" were changed to "this section" or "section 2" for accuracy of reference.

GL *Joint Favorable Subst.*