AN ACT CONCERNING MUNICIPAL ENFORCEMENT OF OCCUPATIONAL LICENSURE LAWS.

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 Section 29-261 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2009):

   (a) The building official, to be eligible for appointment, shall have had at least five years' experience in construction, design or supervision and assistant building officials shall have had at least three years' experience in construction, design or supervision, or equivalent experience as determined by the Commissioner of Public Safety. They shall be generally informed on the quality and strength of building materials, on the accepted requirements of building construction, on the accepted requirements of design and construction relating to accessibility to and use of buildings by the physically disabled, on good practice in fire prevention, on the accepted requirements regarding light and ventilation, on the accepted requirements for safe exit facilities and on other items of equipment essential for the safety, comfort and convenience of occupants and shall be certified under the provisions of section 29-262.

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

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

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

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

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

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

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

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

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

(e) This section shall not apply to any person who (1) holds a license
issued under this chapter, chapter 394 or chapter 482 and performs
work that is incidentally, directly and immediately appropriate to the
performance of such person's trade where such work commences at an
outlet, receptacle or connection previously installed by a person
holding the proper license, or (2) engages in work that does not require
a license under this chapter, chapter 394 or chapter 482.
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 |

**PS**  Joint Favorable Subst. C/R

**GL**