



General Assembly

**Substitute Bill No. 849**

January Session, 2009

\* SB00849PS\_GL\_021809 \*

**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 Section 29-261 of the general statutes is repealed and the  
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.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2009</i>	29-261
Sec. 2	<i>July 1, 2009</i>	20-341

**PS**

*Joint Favorable Subst. C/R*

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