



House of Representatives

General Assembly

File No. 65

February Session, 2010

Substitute House Bill No. 5138

House of Representatives, March 18, 2010

The Committee on General Law reported through REP. SHAPIRO of the 144th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT MAKING MINOR AND TECHNICAL REVISIONS TO
DEPARTMENT OF CONSUMER PROTECTION STATUTES.***

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

1 Section 1. Section 21a-57 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (1) No person shall sell or offer or expose for sale frozen desserts or
4 frozen dessert mix which is falsely labeled as to the name of the
5 manufacturer or place of manufacture, or in any other respect.

6 (2) No person shall misrepresent in any manner the name of the
7 manufacturer or the place of manufacture of frozen desserts or frozen
8 dessert mix.

9 (3) No person shall use or cause or permit to be used, for the
10 purpose of preserving or holding frozen desserts, any cabinet, can,
11 container or other equipment owned by any other person without the
12 written consent of such owner, and all such equipment shall be labeled

13 with the wholesale manufacturer's name and address.

14 (4) No person shall place any frozen dessert of one manufacturer in
15 the cabinet, can, container or other equipment belonging to another
16 manufacturer.

17 (5) No person other than the owner shall remove, erase, obliterate,
18 cover or conceal the owner's name or any distinguishing mark or
19 device on any cabinet, can, container or other equipment. Each
20 wholesaler shall declare on invoices the brand name of all ice cream,
21 frozen desserts or frozen dessert mix delivered by him to retailers, and
22 each retailer shall retain such invoice for inspection by the
23 Commissioner of Consumer Protection for a period of thirty days.
24 Each package or container of ice cream or frozen dessert shall [bear the
25 name and address of the manufacturer or, in lieu of such name and
26 address, the name and address of the packer or distributor, together
27 with the Connecticut license number of such manufacturer, or the
28 name and home address of the manufacturer, together with the
29 Connecticut license number of such manufacturer] comply with all
30 labeling requirements for food specified by the federal Food, Drug and
31 Cosmetic Act, 21 USC 301, et seq., as amended by the federal Nutrition
32 Labeling and Education Act, 21 USC 343, et seq., as from time to time
33 amended.

34 Sec. 2. Section 21a-141 of the general statutes is repealed and the
35 following is substituted in lieu thereof (*Effective from passage*):

36 Labels or crowns on all bottles and containers shall plainly state the
37 nature of the contents and the kind and amount of preservative
38 whenever present, as well as presence of artificial color and artificial
39 flavor. [Only certified colors may be used.] No person, firm or
40 corporation shall sell, offer for sale or give away within the state any
41 beverage in bottles or other containers unless each of such bottles or
42 containers [or crowns thereto affixed has blown into it, etched or
43 engraved, or otherwise indicated thereon, in a conspicuous place, the
44 name, address and zip code of the person, firm or corporation
45 manufacturing, bottling or packaging such beverage, together with the

46 Connecticut license number of such manufacturer, bottler or packager]
47 comply with all labeling requirements for bottles and containers
48 specified by the federal Food, Drug and Cosmetic Act, 21 USC 301, et
49 seq., as amended by the federal Nutrition Labeling and Education Act,
50 21 USC 343, et seq., as from time to time amended. Filling or refilling
51 with beverages, water, mineral water or any other drink or fluid, with
52 intent to sell or vend such water, beverage or fluid, of any glass, jar,
53 bottle or other container, which bears the label of any other person,
54 firm or corporation or which has blown into it the name or trademark
55 of any person, firm or corporation, without the consent of such person,
56 firm or corporation, shall constitute misbranding in violation of the
57 provisions of section 21a-102.

58 Sec. 3. Section 21a-154 of the general statutes is repealed and the
59 following is substituted in lieu thereof (*Effective from passage*):

60 (a) Standard loaves of bread, produced in any bakery and procured
61 or kept for the purpose of sale, offered or exposed for sale or sold, shall
62 be of the following standard avoirdupois weight: One pound or
63 additional fraction of one pound up to a maximum of four pounds.
64 The provisions of this section shall not apply to biscuits, buns,
65 crackers, rolls or loaves weighing less than one-quarter pound per
66 unit, or to what is commonly known as "stale" bread, and sold as such,
67 provided the seller at the time of sale shall expressly state to the buyer
68 that the bread so sold is stale bread. [Loaves of bread produced in any
69 bakery which weigh less than the standard minimum weight of one
70 pound herein provided for, which are procured or kept for the
71 purpose of retail sale, offered or exposed for sale or sold, shall have
72 their weight plainly and conspicuously stated in one of the following
73 ways: The weight marks on such wrappers or labels shall be printed in
74 plain, heavy, gothic, capital letters and figures not less than five thirty-
75 seconds of an inch in height and shall not be affixed to the loaf in a
76 manner or with a gum or paste which is unwholesome or unsanitary.
77 Bread when wrapped in the bakery for the purpose of retail sale shall
78 bear labeling showing an accurate determination of weight in the same
79 manner as heretofore provided. No loaf of bread shall be produced in

80 any bakery which, within twelve hours after baking, varies more than
81 one ounce per pound below the standard or marked weight. The
82 weight of twelve loaves of bread selected at random shall not be less
83 than the total of the standard of marked weight of such loaves.]

84 (b) Any person who, by himself or his agent or servant, violates any
85 provision of this section or of any regulation adopted under section
86 21a-156 with respect thereto shall, upon the first conviction, be fined
87 not more than two hundred dollars and, upon a subsequent
88 conviction, be fined not more than five hundred dollars or imprisoned
89 not more than six months, or both.

90 Sec. 4. Section 21a-155 of the general statutes is repealed and the
91 following is substituted in lieu thereof (*Effective from passage*):

92 (a) No person shall remove any bread loaf, roll or bun or any other
93 bread or pastry product made in a licensed bakery from such bakery,
94 unless the product is wrapped and sealed in clean, unused paper,
95 unprinted or printed on one side only, or is placed in a bag which shall
96 be sealed or closed in such a manner as to prevent the entry of dust or
97 foreign substance, except that any such product may be delivered in a
98 closed container to hotels, restaurants, stores, institutions, bakeries and
99 branches of the bakery in which the product was made and other
100 similar places having suitable display cases or other facilities so as to
101 enclose and protect such products. The Commissioner of Consumer
102 Protection shall prohibit the use of any container not capable of
103 keeping such product in a sanitary condition while in the process of
104 delivery. Any bread or pastry product displayed for sale shall be in a
105 glass showcase or in an enclosed display window unless completely
106 wrapped. All bread delivered to stores and other similar places when
107 not open for business shall be placed in closed containers or upon
108 stands at least two feet above the ground. All bread and pastry
109 products, wrapped at the bakery for the purpose of retail sales, shall
110 [be labeled with the name and address of the bakery manufacturing
111 the product or, in lieu of such name and address, the name and
112 address of the packer or distributor together with the Connecticut

113 license number of said bakery] comply with all labeling requirements
114 for food specified by the federal Food, Drug and Cosmetic Act, 21 USC
115 301, et seq., as amended by the federal Nutrition Labeling and
116 Education Act, 21 USC 343, et seq., as from time to time amended.

117 (b) Any person who delivers, displays or sells any such pastry or
118 bread product in violation of any provision of this section or of any
119 regulation adopted under section 21a-156 with respect thereto shall be
120 fined not more than twenty-five dollars or imprisoned not more than
121 thirty days, or both.

122 Sec. 5. Subsections (a) and (b) of section 25-129 of the 2010
123 supplement to the general statutes are repealed and the following is
124 substituted in lieu thereof (*Effective from passage*):

125 (a) The Commissioner of Consumer Protection, with the advice and
126 assistance of the board, shall establish the requirements of registration
127 for well drilling contractors. Each person, before engaging in the
128 business of well drilling or pump installing, shall obtain annually from
129 the Department of Consumer Protection a certificate of registration as a
130 well drilling contractor, using an application blank prepared by said
131 department. Each application for issuance or renewal of a certificate of
132 registration shall be accompanied by a certificate of liability coverage
133 for bodily injury of at least one hundred thousand dollars per person
134 with an aggregate of at least three hundred thousand dollars and for
135 property damage of at least fifty thousand dollars per accident with an
136 aggregate of at least one hundred thousand dollars. The applicant shall
137 pay a registration fee of eighty-eight dollars with the application and
138 an annual renewal registration fee of two hundred fifty dollars for
139 renewals on and after April 1, 1984. A certificate of registration is not
140 transferable and expires annually. A lost, destroyed or mutilated
141 registration certificate may be replaced by a duplicate upon payment
142 of a lost fee of fifteen dollars. [One seal shall be issued to each
143 registrant as provided in subsection (b) of this section. Additional seals
144 may be obtained at a fee of three dollars each.]

145 (b) A well drilling contractor shall place in a conspicuous location

146 on both sides of his well drilling machine his registration number in
147 letters not less than two inches high. [A seal furnished by said
148 department designating the year the certificate of registration was
149 issued or renewed and the words "Connecticut registered well drilling
150 contractor" shall be affixed directly adjacent to the registration
151 number.]

152 Sec. 6. Subsections (d) and (e) of section 20-432 of the general
153 statutes are repealed and the following is substituted in lieu thereof
154 (*Effective from passage*):

155 (d) Whenever an owner obtains a court judgment against any
156 contractor holding a certificate or who has held a certificate under this
157 chapter within the past two years of the effective date of entering into
158 the contract with the owner, for loss or damages sustained by reason of
159 performance of or offering to perform a home improvement within
160 this state by a contractor holding a certificate under this chapter, such
161 owner may, upon the final determination of, or expiration of time for,
162 appeal in connection with any such judgment, apply to the
163 commissioner for an order directing payment out of said guaranty
164 fund of the amount unpaid upon the judgment for actual damages and
165 costs taxed by the court against the contractor, exclusive of punitive
166 damages. The application shall be made on forms provided by the
167 commissioner and shall be accompanied by a [certified] copy of the
168 court judgment obtained against the contractor together with a
169 notarized affidavit, signed and sworn to by the owner, affirming that:
170 (1) He has complied with all the requirements of this subsection; (2) he
171 has obtained a judgment stating the amount thereof and the amount
172 owing thereon at the date of application; and (3) he has caused to be
173 issued a writ of execution upon said judgment, and the officer
174 executing the same has made a return showing that no bank accounts
175 or real property of the contractor liable to be levied upon in satisfaction
176 of the judgment could be found, or that the amount realized on the sale
177 of them or of such of them as were found, under the execution, was
178 insufficient to satisfy the actual damage portion of the judgment or
179 stating the amount realized and the balance remaining due on the

180 judgment after application thereon of the amount realized, except that
181 the requirements of this subdivision shall not apply to a judgment
182 obtained by the owner in small claims court. A true and attested copy
183 of said executing officer's return, when required, shall be attached to
184 such application and affidavit. No application for an order directing
185 payment out of the guaranty fund shall be made later than two years
186 from the final determination of, or expiration time for, appeal of said
187 court judgment.

188 (e) Upon receipt of said application together with said [certified]
189 copy of the court judgment, notarized affidavit and true and attested
190 copy of the executing officer's return, the commissioner or his designee
191 shall inspect such documents for their veracity and upon a
192 determination that such documents are complete and authentic, and a
193 determination that the owner has not been paid, the commissioner
194 shall order payment out of the guaranty fund of the amount unpaid
195 upon the judgment for actual damages and costs taxed by the court
196 against the contractor, exclusive of punitive damages.

197 Sec. 7. Subsection (c) of section 21a-4 of the general statutes is
198 repealed and the following is substituted in lieu thereof (*Effective from*
199 *passage*):

200 (c) The Commissioner of Consumer Protection may impose a fine on
201 any applicant who fails to renew a license, permit, certificate or
202 registration [within thirty days of the] not later than the expiration
203 date of such license, permit, certificate or registration. The amount of
204 the fine shall be equal to ten per cent of the renewal fee but shall not be
205 less than ten dollars or more than one hundred dollars.

206 Sec. 8. Subsection (g) of section 20-331 of the general statutes is
207 repealed and the following is substituted in lieu thereof (*Effective from*
208 *passage*):

209 (g) The Automotive Glass Work and Flat Glass Work Board shall
210 consist of [nine] eight members who shall be residents of this state, one
211 of whom shall be a general contractor or an unlimited contractor

212 licensed to perform automotive glass work under this chapter, one of
213 whom shall be a general contractor or an unlimited contractor licensed
214 to perform flat glass work under this chapter, one of whom shall be an
215 unlimited contractor licensed to perform automotive glass work under
216 this chapter, one of whom shall be an unlimited contractor licensed to
217 perform flat glass work under this chapter, [one of whom shall be an
218 unlimited journeyman licensed to perform automotive glass work
219 under this chapter,] one of whom shall be an unlimited journeyman
220 licensed to perform flat glass work under this chapter and three of
221 whom shall be public members. The initial members appointed under
222 this subsection need not be licensed to perform such work under this
223 chapter before January 1, 2001, provided such initial members shall
224 satisfy the applicable criteria set forth in subsection (e) of section 20-
225 334a. On and after January 1, 2001, each member appointed under this
226 subsection shall be licensed as provided in this subsection.

227 Sec. 9. Subsection (d) of section 31-286a of the 2010 supplement to
228 the general statutes is repealed and the following is substituted in lieu
229 thereof (*Effective from passage*):

230 (d) For purposes of this section, "sufficient evidence" means (1) a
231 certificate of self-insurance issued by a workers' compensation
232 commissioner pursuant to section 31-284, (2) a certificate of compliance
233 issued by the Insurance Commissioner pursuant to section 31-286, (3) a
234 certificate of insurance issued by any stock or mutual insurance
235 company or mutual association authorized to write workers'
236 compensation insurance in this state or its agent, or (4) in lieu of a
237 physical certificate of insurance being presented for [renewals] the
238 issuance or renewal of licenses and permits issued by the Department
239 of Consumer Protection, the entrance by the applicant on the renewal
240 form of the name of the insurer, insurance policy number, effective
241 dates of coverage, and a certification that the same is truthful and
242 accurate.

243 Sec. 10. Subsection (c) of section 20-314 of the 2010 supplement to
244 the general statutes is repealed and the following is substituted in lieu

245 thereof (*Effective from passage*):

246 (c) In order to determine the competency of any applicant for a real
247 estate broker's license or a real estate salesperson's license the
248 commission shall, on payment to the commission of an application fee
249 of one hundred twenty dollars by an applicant for a real estate broker's
250 license or on payment to the commission of an application fee of eighty
251 dollars by an applicant for a real estate salesperson's license, subject
252 such applicant to personal written examination as to the applicant's
253 competency to act as a real estate broker or real estate salesperson, as
254 the case may be. Such examination shall be prepared by the
255 Department of Consumer Protection or by a national testing service
256 designated by the Commissioner of Consumer Protection and shall be
257 administered to applicants by the Department of Consumer Protection
258 or by such testing service at such times and places as the commissioner
259 may deem necessary. The commission may waive the uniform portion
260 of the written examination requirement in the case of an applicant who
261 has taken the national testing service examination in another state
262 within two years from the date of application and has received a score
263 deemed satisfactory by the commission. The Commissioner of
264 Consumer Protection shall adopt regulations, in accordance with
265 chapter 54, establishing passing scores for examinations. In addition to
266 such application fee, applicants taking the examination administered
267 by a national testing service shall be required to pay directly to such
268 testing service an examination fee covering the cost of such
269 examination. Each payment of such application fee shall entitle the
270 applicant to take such examination [four times] within the one-year
271 period from the date of payment.

272 Sec. 11. Section 20-333 of the 2010 supplement to the general statutes
273 is repealed and the following is substituted in lieu thereof (*Effective*
274 *from passage*):

275 [The Department of Consumer Protection shall hold at least four
276 examinations each year, at such times as the appropriate board may
277 determine and in such locations as may be convenient, written notice

278 of the time and place of each such examination to be given to each
279 applicant at least ten days prior to such examination.] To obtain a
280 license under this chapter, an applicant shall have attained such
281 applicant's eighteenth birthday and shall furnish such evidence of
282 competency as the appropriate board, with the consent of the
283 Commissioner of Consumer Protection, shall require. The applicant
284 shall satisfy such board that such applicant is of good moral character,
285 possesses a diploma or other evidence of graduation from the eighth
286 grade of grammar school, or possesses an equivalent education to be
287 determined on examination and has the requisite skill to perform the
288 work in the trade for which such applicant is applying for a license and
289 can comply with all other requirements of this chapter and the
290 regulations adopted under this chapter. Upon application for any such
291 license, the applicant shall pay to the department a nonrefundable
292 application fee of ninety dollars for a license under subdivisions (2)
293 and (3) of subsection (a) and subdivision (4) of subsection (e) of section
294 20-334a, or a nonrefundable application fee of one hundred fifty
295 dollars for a license under subdivision (1) of subsection (a),
296 subdivisions (1) and (2) of subsection (b), subdivision (1) of subsection
297 (c) and subdivisions (1), (2) and (3) of subsection (e) of section 20-334a.
298 The department shall conduct such written, oral and practical
299 examinations as the appropriate board, with the consent of the
300 commissioner, deems necessary to test the knowledge of the applicant
301 in the work for which a license is being sought. Any person completing
302 the required apprentice training program for a journeyman's license
303 under section 20-334a shall, within thirty days following such
304 completion, apply for a licensure examination given by the
305 department. If an applicant does not pass such licensure examination,
306 the commissioner shall provide each failed applicant with information
307 on how to retake the examination and a report describing the
308 applicant's strengths and weaknesses in such examination. [The
309 applicant may take up to two additional examinations during the
310 one-year period commencing on the date of such applicant's first
311 examination application, provided, if the applicant does not pass such
312 applicant's third examination the applicant may not be examined again

313 until one year after the date of such third examination.] Any
314 apprentice permit issued under section 20-334a to an applicant who
315 fails three licensure examinations in any one-year period shall remain
316 in effect if such applicant applies for and takes the first licensure
317 examination given by the department following the one-year period
318 from the date of such applicant's third and last unsuccessful licensure
319 examination. Otherwise, such permit shall be revoked as of the date of
320 the first examination given by the department following expiration of
321 such one-year period. When an applicant has qualified for a license,
322 the department shall, upon receipt of the license fee, issue to such
323 applicant a license entitling such applicant to engage in the work or
324 occupation for which a license was sought and shall register each
325 successful applicant's name and address in the roster of licensed
326 persons authorized to engage in the work or occupation within the
327 appropriate board's authority. [Each board may declare forfeited the
328 application fee of any applicant who has failed to appear for
329 examination at three successive examinations for which written notice
330 has been sent.] All fees and other moneys collected by the department
331 shall be promptly transmitted to the State Treasurer as provided in
332 section 4-32.

333 Sec. 12. Section 21a-190a of the 2010 supplement to the general
334 statutes is repealed and the following is substituted in lieu thereof
335 (*Effective from passage*):

336 As used in sections 21a-190a to 21a-190l, inclusive, as amended by
337 this act:

338 (1) "Charitable organization" means any person who is or holds
339 himself out to be established for any benevolent, educational,
340 philanthropic, humane, scientific, patriotic, social welfare or advocacy,
341 public health, environmental conservation, civic or eleemosynary
342 purpose, or for the benefit of law enforcement officers, firefighters or
343 other persons who protect the public safety.

344 (2) "Person" means an individual, corporation, limited liability
345 company, association, partnership, trust, foundation or any other

346 entity however styled.

347 (3) "Solicit" and "solicitation" mean any request directly or indirectly
348 for money, credit, property, financial assistance or other thing of any
349 kind or value on the plea or representation that such money, credit,
350 property, financial assistance or other thing of any kind or value is to
351 be used for a charitable purpose or benefit a charitable organization.
352 "Solicit" and "solicitation" shall include, but shall not be limited to, the
353 following methods of requesting or securing such money, credit,
354 property, financial assistance or other thing of value: (A) Any oral or
355 written request; (B) any announcement to the press, over the radio or
356 television or by telephone or telegraph concerning an appeal or
357 campaign by or for any charitable organization or purpose; (C) the
358 distribution, circulation, posting or publishing of any handbill, written
359 advertisement or other publication; (D) the sale of, offer or attempt to
360 sell, any advertisement, advertising space, book, card, tag, coupon,
361 device, magazine, membership, merchandise, subscription, flower,
362 ticket, candy, cookies or other tangible item in connection with an
363 appeal made for any charitable organization or purpose, or where the
364 name of any charitable organization is used or referred to in any such
365 appeal as an inducement or reason for making any such sale, or when
366 or where in connection with any such sale, any statement is made that
367 the whole or any part of the proceeds from any such sale is to be used
368 for any charitable purpose or benefit any charitable organization. A
369 solicitation shall be deemed to have taken place whether or not the
370 person making the same receives any contribution.

371 (4) "Charitable purpose" means any benevolent, educational,
372 philanthropic, humane, scientific, patriotic, social welfare or advocacy,
373 public health, environmental conservation, civic or eleemosynary
374 objective.

375 (5) "Contribution" means the grant, promise or pledge of money,
376 credit, property, financial assistance or other thing of any kind or value
377 in response to a solicitation. "Contribution" shall not include bona fide
378 fees, dues or assessments paid by members, provided membership is

379 not conferred solely as consideration for making a contribution in
380 response to a solicitation.

381 (6) "Fund-raising counsel" means a person who for compensation
382 plans, manages, advises or consults with respect to the solicitation in
383 this state of contributions by a charitable organization, but who does
384 not solicit contributions and who does not directly or indirectly
385 employ, procure or engage any person compensated to solicit
386 contributions. A bona fide nontemporary salaried officer or employee
387 of a charitable organization shall not be deemed to be a fund-raising
388 counsel.

389 (7) "Paid solicitor" means a person who for any consideration, other
390 than any nonmonetary gift of nominal value awarded to a volunteer
391 solicitor as an incentive or token of appreciation, performs for a
392 charitable organization any service in connection with which
393 contributions are solicited by such person or by any person he directly
394 or indirectly employs, procures or engages to solicit for such
395 compensation. A bona fide nontemporary salaried officer or employee
396 of a charitable organization shall not be deemed to be a paid solicitor.

397 (8) "Commercial coventurer" means a person who for profit is
398 regularly and primarily engaged in trade or commerce in this state
399 other than in connection with the raising of funds for charitable
400 organizations or purposes and who conducts a charitable sales
401 promotion.

402 (9) "Charitable sales promotion" means an advertising or sales
403 campaign, conducted by a commercial coventurer, which represents
404 that the purchase or use of goods or services offered by the commercial
405 coventurer are to benefit a charitable organization or purpose.

406 (10) "Department" means the Department of Consumer Protection.

407 (11) "Commissioner" means the Commissioner of Consumer
408 Protection.

409 (12) "Membership" means that which entitles a person to the

410 privileges, professional standing, honors or other direct benefit of the
411 organization and the rights to vote, elect officers and hold office in the
412 organization.

413 (13) "Parent organization" means that part of a charitable
414 organization which supervises and exercises control over the
415 solicitation and expenditure activities of one or more chapters,
416 branches or affiliates.

417 (14) "Gross revenue" means income of any kind from all sources,
418 without deduction of any costs or expenses, including all amounts
419 received as the result of any solicitation by a paid solicitor.

420 Sec. 13. Section 21a-190b of the 2010 supplement to the general
421 statutes is repealed and the following is substituted in lieu thereof
422 (*Effective from passage*):

423 (a) Every charitable organization not exempted by section 21a-190d,
424 as amended by this act, shall annually register with the department
425 prior to conducting any solicitation or prior to having any solicitation
426 conducted on its behalf by others. Application for registration shall be
427 [made on forms prescribed by the department] in a form prescribed by
428 the commissioner and shall include payment of a fee of fifty dollars.
429 Such application shall include: (1) A registration statement, (2) an
430 annual financial report for such organization for the preceding fiscal
431 year that is prepared in accordance with the provisions of subsection
432 (a) of section 21a-190c, as amended by this act, and (3) an audited
433 financial statement as required by subsection (b) of said section 21a-
434 190c. Two authorized officers of the organization shall sign the
435 registration statement and shall certify that the statements therein are
436 true and correct to the best of their knowledge. A chapter, branch or
437 affiliate in this state of a registered parent organization shall not be
438 required to register provided the parent organization files a
439 consolidated annual registration for itself and its chapter, branch or
440 affiliate. Each charitable organization shall annually renew its
441 registration not later than five months after the end of such
442 organization's fiscal year.

443 (b) In the event the department determines that the application for
444 registration does not contain the documents required in subsection (a)
445 of this section or is not in accordance with the regulations adopted by
446 the commissioner pursuant to this chapter, the department shall notify
447 the charitable organization [, in writing,] of such noncompliance not
448 later than ten days after the department's receipt of such application
449 for registration. An application for registration shall be deemed to be
450 approved if the charitable organization is not notified of
451 noncompliance by the department not later than ten days after the
452 department's receipt of the application for registration. Any such
453 charitable organization may request a hearing on its noncompliant
454 status not later than seven days after receipt of such noncompliance
455 notice. Such hearing shall be held not later than seven days after the
456 department's receipt of such request and a determination as to the
457 organization's compliance status shall be rendered no later than three
458 days after such hearing.

459 (c) In addition to the application fee required pursuant to subsection
460 (a) of this section, a charitable organization shall pay a late fee of
461 twenty-five dollars for each month, or part thereof, that such
462 application for registration is late, except that such late fee shall not
463 include any month during which an extension of time was granted
464 pursuant to subsection (d) of this section. The commissioner may,
465 upon written request and for good cause shown, waive or reduce any
466 late fee under this section.

467 (d) The commissioner may, [upon written request and] for good
468 cause shown, grant an extension of time, not to exceed six months
469 from the date the report was due, for the filing of a charitable
470 organization's annual financial report. Any previous registration shall
471 remain in effect during any such extension period.

472 (e) In the event that a charitable organization fails to register in
473 accordance with the provisions of this section, such organization shall
474 include in its application for registration an annual financial report for
475 each of the previous years in which such organization was required to

476 file an application for registration or an annual financial report.

477 (f) Any charitable organization registered in accordance with this
478 section on September 30, 2005, shall be deemed to be registered
479 pursuant to this section until the last day of the fifth month after the
480 close of the fiscal year in effect on September 30, 2005.

481 Sec. 14. Subsection (a) of section 21a-190c of the 2010 supplement to
482 the general statutes is repealed and the following is substituted in lieu
483 thereof (*Effective from passage*):

484 (a) Every charitable organization required to register pursuant to
485 section 21a-190b, as amended by this act, shall annually file with the
486 department, as part of such organization's application for registration,
487 a financial report for its most recently completed fiscal year, which
488 report shall include a financial statement and such other information
489 as the commissioner may require and shall be [signed] certified by two
490 authorized officers of the organization, one of whom shall be the chief
491 fiscal officer of the organization. The information contained in such
492 report shall be available to the public. Such officers shall certify that
493 such report is true and correct to the best of their knowledge. The
494 commissioner shall prescribe the form of the report and may prescribe
495 standards for its completion. The commissioner may accept, under
496 such conditions as said commissioner may prescribe, a copy or
497 duplicate original of financial statements, reports or returns filed by
498 the charitable organization with the Internal Revenue Service or
499 another state having requirements similar to the provisions of sections
500 21a-190a to 21a-190l, inclusive, as amended by this act.

501 Sec. 15. Section 21a-190d of the general statutes is repealed and the
502 following is substituted in lieu thereof (*Effective from passage*):

503 The following charitable organizations shall not be subject to the
504 provisions of sections 21a-190b, as amended by this act, and 21a-190c,
505 as amended by this act, provided each such organization shall submit
506 such information as the department may require to substantiate an
507 exemption under this section in a form prescribed by the

508 commissioner:

509 (1) Any duly organized religious corporation, institution or society;

510 (2) Any parent-teacher association or educational institution, the
511 curricula of which in whole or in part are registered or approved by
512 any state or the United States either directly or by acceptance of
513 accreditation by an accrediting body;

514 (3) Any nonprofit hospital licensed in accordance with the
515 provisions of section 19a-630 or any similar provision of the laws of
516 any other state;

517 (4) Any governmental unit or instrumentality of any state or the
518 United States;

519 (5) Any person who solicits solely for the benefit of organizations
520 described in subdivisions (1) to (4), inclusive, of this section; and

521 (6) Any charitable organization which normally receives less than
522 fifty thousand dollars in contributions annually, provided such
523 organization does not compensate any person primarily to conduct
524 solicitations.

525 Sec. 16. Section 21a-190e of the general statutes is repealed and the
526 following is substituted in lieu thereof (*Effective from passage*):

527 (a) Each contract between a charitable organization and a fund-
528 raising counsel shall be in writing and shall be filed by the fund-raising
529 counsel with the department at least fifteen days prior to the
530 performance by the fund-raising counsel of any material services
531 pursuant to such contract. Each contract shall be filed in a form
532 prescribed by the commissioner. The contract shall contain such
533 information as will enable the department to identify the services the
534 fund-raising counsel is to provide and the manner of his
535 compensation.

536 (b) A fund-raising counsel who at any time has custody or control of

537 contributions from a solicitation shall register with the department.
538 Applications for registration or renewal of a registration as a fund-
539 raising counsel shall be in [writing, under oath, in the] a form
540 prescribed by the [department] commissioner and shall be
541 accompanied by a fee in the amount of one hundred twenty dollars.
542 Each fund-raising counsel shall certify that such application or report
543 is true and correct to the best of the fund-raising counsel's knowledge.
544 Each application shall contain such information as the department
545 shall require. Each registration shall be valid for one year and may be
546 renewed for additional one-year periods. An applicant for registration
547 or for a renewal of registration as a fund-raising counsel shall, at the
548 time of making such application, file with and have approved by the
549 department a bond in a form prescribed by the commissioner, in which
550 the applicant shall be the principal obligor in the sum of twenty
551 thousand dollars, with one or more responsible sureties whose liability
552 in the aggregate as such sureties shall be no less than such sum. The
553 fund-raising counsel shall maintain the bond in effect as long as the
554 registration is in effect. The bond shall run to the state and to any
555 person who may have a cause of action against the principal obligor of
556 the bond for any liabilities resulting from the obligor's conduct of any
557 activities subject to sections 21a-190a to 21a-190l, inclusive, as amended
558 by this act, or arising out of a violation of said sections or any
559 regulation adopted pursuant to said sections. Any such fund-raising
560 counsel shall account to the charitable organization with which he has
561 contracted for all income received and expenses paid no later than
562 ninety days after a solicitation campaign has been completed, and in
563 the case of a solicitation campaign lasting more than one year, on the
564 anniversary of the commencement of such campaign. Such accounting
565 shall be in writing, shall be retained by the charitable organization for
566 three years and shall be available to the department upon request.

567 Sec. 17. Section 21a-190f of the general statutes is repealed and the
568 following is substituted in lieu thereof (*Effective from passage*):

569 (a) No person shall act as a paid solicitor unless such person has
570 first registered with the department. [Applications for registration and

571 for the renewal of a registration shall be in writing, under oath, in the
572 form prescribed by the department] Registration shall be in a form
573 prescribed by the commissioner, shall be certified by the paid solicitor
574 as true and correct to the best of the solicitor's knowledge and shall be
575 accompanied by a fee in the amount of five hundred dollars. The
576 application shall contain such information as the department shall
577 require. Each registration shall be valid for one year and may be
578 renewed for additional one-year periods.

579 (b) An applicant for registration or for a renewal of registration as a
580 paid solicitor shall, at the time of making such application, file with
581 and have approved by the department a bond in a form prescribed by
582 the commissioner, in which the applicant shall be the principal obligor
583 in the sum of twenty thousand dollars, with one or more responsible
584 sureties whose liability in the aggregate as such sureties shall be no
585 less than such sum. The paid solicitor shall maintain the bond in effect
586 as long as the registration is in effect. The bond shall run to the state
587 and to any person who may have a cause of action against the
588 principal obligor of the bond for any liabilities resulting from the
589 obligor's conduct of any activities subject to sections 21a-190a to 21a-
590 190l, inclusive, as amended by this act, or arising out of a violation of
591 said sections or any regulation adopted pursuant to said sections.

592 (c) No less than twenty days prior to the commencement of each
593 solicitation campaign, a paid solicitor shall file with the department a
594 copy of the contract described in subsection (d) of this section and shall
595 [file a completed] complete a solicitation notice [on forms prescribed
596 by the department] in a form prescribed by the commissioner. A
597 solicitation notice shall be [in writing and under oath,] certified by the
598 paid solicitor as true and correct to the best of the solicitor's knowledge
599 and shall include a description of the solicitation event or campaign,
600 the location and telephone number from which the solicitation is to be
601 conducted, the names and residence addresses of all employees, agents
602 or other persons however styled who are to solicit during such
603 campaign and the account number and location of all bank accounts
604 where receipts from such campaign are to be deposited. Copies of

605 campaign solicitation literature, including the text of any solicitation to
606 be made orally, shall be [attached to the solicitation notice] submitted
607 to the department. The charitable organization on whose behalf the
608 paid solicitor is acting shall certify that the solicitation notice and
609 accompanying material are true and complete. Prior to the
610 commencement of such solicitation campaign, the commissioner shall
611 publicize such solicitation [through the issuance of a press release and
612 the] by posting on the department's web site [of] information
613 describing the terms of the contract between the paid solicitor and the
614 charitable organization, the dates of such solicitation campaign and the
615 percentage of the raised funds to be retained by the paid solicitor. The
616 commissioner may publicize such solicitation through any additional
617 means the commissioner deems appropriate.

618 (d) A contract between a paid solicitor and a charitable organization
619 shall be in writing, shall clearly state the respective obligations of the
620 paid solicitor and the charitable organization and shall state the
621 minimum amount that the charitable organization shall receive as a
622 result of the solicitation campaign, which minimum amount shall be
623 stated as a percentage of the gross revenue. Such minimum amount
624 shall not include any amount that the charitable organization is to pay
625 as expenses of the solicitation campaign.

626 (e) A paid solicitor shall, prior to orally requesting a contribution,
627 and at the same time at which a written request for a contribution is
628 made, clearly and conspicuously disclose at the point of solicitation
629 such solicitor's name as on file with the department, the fact that such
630 solicitor is a paid solicitor and the percentage of the gross revenue
631 which the charitable organization shall receive as identified in
632 subsection (d) of this section.

633 (f) A paid solicitor shall, in the case of a solicitation campaign
634 conducted orally, whether by telephone or otherwise, send a written
635 confirmation to each person who has pledged to contribute, no more
636 than five days after such person has been solicited, which confirmation
637 shall include a clear and conspicuous disclosure of the information

638 required by subsection (e) of this section.

639 (g) A paid solicitor shall not represent that any part of the
640 contributions received will be given or donated to any charitable
641 organization unless such organization has consented in writing to the
642 use of its name, prior to the solicitation. Such written consent, if given,
643 shall be signed by two authorized officers, directors or trustees of the
644 charitable organization.

645 (h) No paid solicitor may represent that tickets to an event are to be
646 donated for use by another, unless the paid solicitor has first obtained
647 a commitment, in writing, from a charitable organization stating that it
648 will accept donated tickets and specifying the number of tickets which
649 it is willing to accept and provided no more contributions for donated
650 tickets shall be solicited than the number of ticket commitments
651 received from the charitable organization.

652 (i) A paid solicitor shall require any person such solicitor directly or
653 indirectly employs, procures or engages to solicit to comply with the
654 provisions of subsections (e) to (h), inclusive, of this section.

655 (j) A paid solicitor shall file a financial report for the campaign with
656 the department no more than ninety days after a solicitation campaign
657 has been completed, and on the anniversary of the commencement of
658 any solicitation campaign which lasts more than one year, in a form
659 prescribed by the commissioner. The financial report shall include
660 gross revenue and an itemization of all expenditures incurred. The
661 report shall be completed on a form prescribed by the department. An
662 authorized official of the paid solicitor and two authorized officials of
663 the charitable organization shall [sign such report and they shall]
664 certify [, under oath,] that such report is true and complete to the best
665 of their knowledge. The information contained in such report shall be
666 available to the public.

667 (k) A paid solicitor shall maintain during each solicitation campaign
668 and for not less than three years after the completion of each such
669 campaign the following records, which shall be available to the

670 department for inspection upon request: (1) The name and address of
671 each contributor and the date and amount of the contribution,
672 provided the department shall not disclose this information except to
673 the extent necessary for investigative or law enforcement purposes; (2)
674 the name and residence of each employee, agent or other person
675 involved in the solicitation; and (3) records of all income received and
676 expenses incurred in the course of the solicitation campaign.

677 (l) If a paid solicitor sells tickets to an event and represents that
678 tickets will be donated for use by another, the paid solicitor shall
679 maintain, for not less than three years after the completion of such
680 event, the following records, which shall be available to the
681 department for inspection upon request: (1) The name and address of
682 contributors donating tickets and the number of tickets donated by
683 each contributor; and (2) the name and address of all organizations
684 receiving donated tickets for use by others, including the number of
685 tickets received by each organization.

686 (m) All funds collected by the paid solicitor shall be deposited in a
687 bank account. The bank account shall be in the name of the charitable
688 organization with whom the paid solicitor has contracted and the
689 charitable organization shall have sole or joint control of the account.

690 (n) Any material change in any information filed with the
691 department pursuant to this section shall be reported in writing or
692 electronically by the paid solicitor to the department not more than
693 seven days after such change occurs.

694 (o) No person may act as a paid solicitor if such person, any officer
695 or director thereof, any person with a controlling interest therein, or
696 any person the paid solicitor employs, engages or procures to solicit
697 for compensation, has been convicted by a court of any state or the
698 United States of any felony, or of any misdemeanor involving
699 dishonesty or arising from the conduct of a solicitation for a charitable
700 organization or purpose. Any denial, suspension or revocation of the
701 registration of a paid solicitor based on a violation of this subsection
702 shall be made in accordance with the provisions of section 46a-80.

703 Sec. 18. Subsection (a) of section 21a-190g of the general statutes is
 704 repealed and the following is substituted in lieu thereof (*Effective from*
 705 *passage*):

706 (a) Every charitable organization which agrees to permit a charitable
 707 sales promotion to be conducted in its behalf, shall obtain a written
 708 agreement from the commercial coventurer and [file] submit a copy of
 709 such agreement [with] to the department not less than ten days prior
 710 to the commencement of the charitable sales promotion within this
 711 state. An authorized representative of the charitable organization and
 712 the commercial coventurer shall sign such agreement and the terms of
 713 such agreement shall include the following: (1) The goods or services
 714 to be offered to the public; (2) the geographic area where, and the
 715 starting and final date when, such offering is to be made; (3) the
 716 manner in which the name of the charitable organization is to be used,
 717 including any representation to be made to the public as to the amount
 718 or per cent per unit of goods or services purchased or used that is to
 719 benefit the charitable organization; (4) a provision for a final
 720 accounting on a per unit basis to be given by the commercial
 721 coventurer to the charitable organization and the date when it is to be
 722 made; and (5) the date when and the manner in which the benefit is to
 723 be conferred on the charitable organization.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	21a-57
Sec. 2	<i>from passage</i>	21a-141
Sec. 3	<i>from passage</i>	21a-154
Sec. 4	<i>from passage</i>	21a-155
Sec. 5	<i>from passage</i>	25-129(a) and (b)
Sec. 6	<i>from passage</i>	20-432(d) and (e)
Sec. 7	<i>from passage</i>	21a-4(c)
Sec. 8	<i>from passage</i>	20-331(g)
Sec. 9	<i>from passage</i>	31-286a(d)
Sec. 10	<i>from passage</i>	20-314(c)
Sec. 11	<i>from passage</i>	20-333
Sec. 12	<i>from passage</i>	21a-190a

Sec. 13	<i>from passage</i>	21a-190b
Sec. 14	<i>from passage</i>	21a-190c(a)
Sec. 15	<i>from passage</i>	21a-190d
Sec. 16	<i>from passage</i>	21a-190e
Sec. 17	<i>from passage</i>	21a-190f
Sec. 18	<i>from passage</i>	21a-190g(a)

Statement of Legislative Commissioners:

In sections 1, 2 and 4, "further amended from time to time" was changed to "from time to time amended" for proper form.

GL *Joint Favorable Subst.*

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: None

Municipal Impact: None

Explanation

The bill makes technical and minor revisions to the statutes regarding the Department of Consumer Protection which result in no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5138*****AN ACT MAKING MINOR AND TECHNICAL REVISIONS TO
DEPARTMENT OF CONSUMER PROTECTION STATUTES.*****SUMMARY:**

This bill makes minor and technical changes to consumer protection statutes concerning (1) food labeling, (2) seal requirements for well-drillers, (3) Home Improvement Guarantee Fund payment requests, (4) license renewals, (5) Automotive Glass Work and Flat Glass Work Board members, (6) proof of workers' compensation insurance, (7) Department of Consumer Protection (DCP) exam requirements, and (8) charitable organizations.

EFFECTIVE DATE: Upon Passage

§§ 1, 2, 4 — COMPLIANCE WITH FEDERAL FOOD LABELING LAWS

The bill conforms by reference, specified food labeling statutes to the federal Food, Drug and Cosmetic Act (21 USC 301, et seq.), as amended by the federal Nutrition Labeling and Education Act (21 USC 343, et seq). The federal act preempts all state and local labeling laws that do not impose identical standards for most food products.

§ 3 — LABELING REQUIREMENTS FOR BREAD

The bill eliminates (1) weight labeling requirements for loaves of bread weighing less than one pound and produced in bakeries for retail sale and (2) the ban on bakeries producing loaves of bread that vary by more than one ounce per pound below the standard or marked weight, within 12 hours of baking and makes a conforming technical change.

§ 5 — SEAL FOR REGISTERED WELL-DRILLERS

The bill eliminates the requirement that (1) DCP issue a seal indicating the year it issued a registered well-driller's registration certificate and (2) drillers affix them to their equipment.

§ 6 — CERTIFIED COPIES FOR HOME IMPROVEMENT GUARANTEE FUND

The bill eliminates the requirement that consumers provide DCP a certified copy of court judgments when applying for payment from the Home Improvement Guarantee Fund. By law, consumers may apply for payments when a court order against a contractor does not cover all of the actual damages and costs a consumer suffered.

§ 7 — LICENSE, PERMIT, CERTIFICATE, AND REGISTRATION RENEWAL DEADLINE

The bill specifies that parties needing to renew a license, permit, certificate, or registration must do so no later than the expiration date, or be subject to a DCP fine.

§ 8 — AUTOMOTIVE GLASS WORK AND FLAT GLASS WORK BOARD

The bill reduces the Automotive Glass Work and Flat Glass Work Board from nine to eight members by eliminating the position assigned to an unlimited journeyman licensed to perform automotive glass work.

§ 9 — EVIDENCE OF WORKERS' COMPENSATION INSURANCE

The bill gives applicants applying for a DCP license or permit another way to document they have workers compensation insurance. Under current law, they can provide one of three different certificates showing they have the required insurance. A license or permit renewal applicant may, in lieu of providing a physical certificate, provide the name of the insurer, insurance policy number, effective dates of coverage, and a certification that the information is truthful and accurate. The bill extends this option to a first-time applicant.

§ 10 — REAL ESTATE LICENSE EXAMS

The bill allows applicants for a real estate broker's or sales person's

license to take the exam as many times as it is offered. Current law allows an applicant to take no more than four exams per year.

§ 11 — EXAM REQUIREMENTS

The bill allows DCP to determine how many times per year to offer license exams for the electricians, plumbers, solar, heating, piping and cooling contractors and journeymen, elevator and fire protection sprinkler craftsmen, and irrigation contractors and journeymen. Current law requires DCP to offer these exams at least four times per year.

The bill eliminates the limitation on the number of exams an applicant can take in a year and the board’s ability to keep the application fee if the applicant does not appear for three consecutive exams for which written notice was sent.

§§ 12-18 — CHARITABLE ORGANIZATIONS

The bill makes numerous minor and technical changes to the charitable organization statutes, including allowing these organizations to receive and submit information electronically.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/02/2010)