

# **Testimony of Jerry Farrell, Jr.**

**Commissioner of Consumer Protection**

**General Law Committee Public Hearing  
Tuesday, February 16, 2010**

## **H.B. 5138 “An Act Making Minor and Technical Revisions to Department of Consumer Protection Statutes”**

Senator Colapietro, Representative Shapiro, Senator Witkos, Representative Bacchiochi and Honorable Members of the General Law Committee. I am Jerry Farrell, Jr., Commissioner of Consumer Protection. Thank you for the opportunity for me to testify in support of HB 5138, “An Act Making Minor and Technical Revisions to Department of Consumer Protection Statutes.”

I would like to begin with a summary of the changes proposed in the Department’s so-called “tech bill.” This bill contains nine separate minor revisions to DCP’s statutes:

- (1) Section 1 of the bill makes a minor change in the Department’s Interior Designer statutes. As a result of a lawsuit against the state, the Department is asking for a change to add the word “registered” in reference to Interior Designers. It should be noted that the Department has worked closely with the Attorney General’s office in this matter, and both offices are confident that this minor change satisfies the concerns raised in the court proceedings. This simple change makes clear that individuals may not hold themselves out as “registered interior designers” unless properly registered with the Department of Consumer Protection.
- (2) Sections 2 through 5 of this bill make numerous changes in DCP’s Labeling Statutes that the Department acknowledges have become pre-empted by Federal Law. The Department is faced with a potential lawsuit due to the federal pre-emption and as such is not enforcing the provisions contained therein. The changes proposed would put the Department in conformity with federal labeling laws and would therefore have the effect of eliminating potential legal action against the state.
- (3) In Section 6 of this bill, the Department is seeking to eliminate a costly and antiquated requirement in statute wherein DCP must provide a “seal” to registered well-drillers to be affixed to his/her equipment. This is a unique requirement relative to the Department’s other license-type holders and costly to DCP. It should be noted that the requirement to display license numbers is unaffected by this proposal.
- (4) Section 7 proposes a single-word change within DCP’s Home Improvement Guarantee Fund statutes that removes the requirement that consumers must provide “certified” copies of court judgments in order to be eligible for consideration. This is often a burdensome and unnecessary process; and we have

learned that necessary corroboration can be obtained on the Judicial Department's website. This change will improve efficiency in processing applications and increased customer satisfaction with DCP.

(5) The change in Section 8 would clarify that all license, permit, certificate and registration holders of the Department of Consumer Protection could be subject to a late fee if they fail to renew by their expiration date--rather than within 30 days after their expiration date. The current language has been viewed by some as imprecise and led some license-holders to believe there exists a 30 day "grace period" for license renewal, which is not the case. This change would clarify and bring consistency to this process.

(6) Section 9 of the bill proposes a change in the composition of the Automotive Glass work and flat Glass Work Board. After extensive discussions with individuals in the trade, it is apparent to the Department that the present requirement for one member of the board being "an unlimited journeyman licensed to perform automotive glass work" makes it exceedingly difficult to fill. The reason being that by definition this "journeyman" would be employed by a business—and not the business-owner himself. Prospective candidates, who by definition must be employees, are not free to determine their schedules unilaterally and are unable to fill this seat and consequently the board has a continuous vacancy. Rather than leaving this position perpetually vacant, the Department recommends eliminating this requirement.

(7) During last year's legislative session, the General Assembly passed PA 09-104 which was included in DCP's legislative package. That act eliminated the need for "paper copies" of Workers' Comp certificates to accompany license renewals. In Section 10, the Department is now seeking to remove the requirement for "paper copies" for initial applications as well, thereby increasing efficiency and eliminating unnecessary paper.

(8) In sections 11 and 12 we seek to eliminate the limitation on the number of exams an applicant may take within a specified period of time for licenses issued by the Department. This outdated language was more appropriate when DCP administered the tests "in-house" amid concerns that applicants might see identical questions during subsequent test-taking. However the Department has outsourced testing to a third party and as such, tests are now computer-based, with ample and random questions. The Department believes the time has come to remove these unnecessary and arbitrary restrictions.

(9) The Department of Consumer Protection and the Office of the Attorney General jointly share responsibility for the oversight of Public Charities doing business in Connecticut. In an effort to improve efficiency and reduce the need for unnecessary paperwork in that process, the two agencies have reviewed existing law and propose a number of technical changes in Sections 13-19 of the bill. With these modifications, we can expect improvement in transparency and public satisfaction.

Thank you for your consideration of these items. I would be happy to respond to any questions, comments or concerns you may have.