



General Assembly

February Session, 2010

Raised Bill No. 5138

LCO No. 557

00557 _____ GL_

Referred to Committee on General Law

Introduced by:

(GL)

**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 Section 20-377l of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 No person shall use the title ["interior] "registered interior designer"
4 or display or use any words, letters, figures, title, advertisement or
5 other device to indicate that [he] such person is [an] a registered
6 interior designer, unless [he] such person (1) has obtained a certificate
7 of registration as provided in sections 20-377k to 20-377v, inclusive; or
8 (2) is an architect licensed in this state. [; or (3) has used or was
9 identified by the title of "interior designer" for at least one year
10 immediately preceding October 1, 1983.]

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 Section 21a-57 of the general statutes is repealed and the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

13 (1) No person shall sell or offer or expose for sale frozen desserts or
14 frozen dessert mix which is falsely labeled as to the name of the

15 manufacturer or place of manufacture, or in any other respect.

16 (2) No person shall misrepresent in any manner the name of the
17 manufacturer or the place of manufacture of frozen desserts or frozen
18 dessert mix.

19 (3) No person shall use or cause or permit to be used, for the
20 purpose of preserving or holding frozen desserts, any cabinet, can,
21 container or other equipment owned by any other person without the
22 written consent of such owner, and all such equipment shall be labeled
23 with the wholesale manufacturer's name and address.

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

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

44 Sec. 3. Section 21a-141 of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective from passage*):

46 Labels or crowns on all bottles and containers shall plainly state the
47 nature of the contents and the kind and amount of preservative
48 whenever present, as well as presence of artificial color and artificial
49 flavor. [Only certified colors may be used.] No person, firm or
50 corporation shall sell, offer for sale or give away within the state any
51 beverage in bottles or other containers unless each of such bottles or
52 containers [or crowns thereto affixed has blown into it, etched or
53 engraved, or otherwise indicated thereon, in a conspicuous place, the
54 name, address and zip code of the person, firm or corporation
55 manufacturing, bottling or packaging such beverage, together with the
56 Connecticut license number of such manufacturer, bottler or packager]
57 comply with all labeling requirements for bottles and containers
58 specified by the federal Food, Drug and Cosmetic Act, 21 USC 301, et
59 seq., as amended by the federal Nutrition Labeling and Education Act,
60 21 USC 343, et seq., as further amended from time to time. Filling or
61 refilling with beverages, water, mineral water or any other drink or
62 fluid, with intent to sell or vend such water, beverage or fluid, of any
63 glass, jar, bottle or other container, which bears the label of any other
64 person, firm or corporation or which has blown into it the name or
65 trademark of any person, firm or corporation, without the consent of
66 such person, firm or corporation, shall constitute misbranding in
67 violation of the provisions of section 21a-102.

68 Sec. 4. Section 21a-154 of the general statutes is repealed and the
69 following is substituted in lieu thereof (*Effective from passage*):

70 (a) Standard loaves of bread, produced in any bakery and procured
71 or kept for the purpose of sale, offered or exposed for sale or sold, shall
72 be of the following standard avoirdupois weight: One pound or
73 additional fraction of one pound up to a maximum of four pounds.
74 The provisions of this section shall not apply to biscuits, buns,
75 crackers, rolls or loaves weighing less than one-quarter pound per
76 unit, or to what is commonly known as "stale" bread, and sold as such,
77 provided the seller at the time of sale shall expressly state to the buyer
78 that the bread so sold is stale bread. [Loaves of bread produced in any

79 bakery which weigh less than the standard minimum weight of one
80 pound herein provided for, which are procured or kept for the
81 purpose of retail sale, offered or exposed for sale or sold, shall have
82 their weight plainly and conspicuously stated in one of the following
83 ways: The weight marks on such wrappers or labels shall be printed in
84 plain, heavy, gothic, capital letters and figures not less than five thirty-
85 seconds of an inch in height and shall not be affixed to the loaf in a
86 manner or with a gum or paste which is unwholesome or unsanitary.
87 Bread when wrapped in the bakery for the purpose of retail sale shall
88 bear labeling showing an accurate determination of weight in the same
89 manner as heretofore provided. No loaf of bread shall be produced in
90 any bakery which, within twelve hours after baking, varies more than
91 one ounce per pound below the standard or marked weight. The
92 weight of twelve loaves of bread selected at random shall not be less
93 than the total of the standard of marked weight of such loaves.]

94 (b) Any person who, by himself or his agent or servant, violates any
95 provision of this section or of any regulation adopted under section
96 21a-156 with respect thereto shall, upon the first conviction, be fined
97 not more than two hundred dollars and, upon a subsequent
98 conviction, be fined not more than five hundred dollars or imprisoned
99 not more than six months or both.

100 Sec. 5. Section 21a-155 of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective from passage*):

102 (a) No person shall remove any bread loaf, roll or bun or any other
103 bread or pastry product made in a licensed bakery from such bakery,
104 unless the product is wrapped and sealed in clean, unused paper,
105 unprinted or printed on one side only, or is placed in a bag which shall
106 be sealed or closed in such a manner as to prevent the entry of dust or
107 foreign substance, except that any such product may be delivered in a
108 closed container to hotels, restaurants, stores, institutions, bakeries and
109 branches of the bakery in which the product was made and other
110 similar places having suitable display cases or other facilities so as to

111 enclose and protect such products. The Commissioner of Consumer
112 Protection shall prohibit the use of any container not capable of
113 keeping such product in a sanitary condition while in the process of
114 delivery. Any bread or pastry product displayed for sale shall be in a
115 glass showcase or in an enclosed display window unless completely
116 wrapped. All bread delivered to stores and other similar places when
117 not open for business shall be placed in closed containers or upon
118 stands at least two feet above the ground. All bread and pastry
119 products, wrapped at the bakery for the purpose of retail sales, shall
120 [be labeled with the name and address of the bakery manufacturing
121 the product or, in lieu of such name and address, the name and
122 address of the packer or distributor together with the Connecticut
123 license number of said bakery] comply with all labeling requirements
124 for food specified by the federal Food, Drug and Cosmetic Act, 21 USC
125 301, et seq., as amended by the federal Nutrition Labeling and
126 Education Act, 21 USC 343, et seq., as further amended from time to
127 time.

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

133 Sec. 6. Subsections (a) and (b) of section 25-129 of the 2010
134 supplement to the general statutes are repealed and the following is
135 substituted in lieu thereof (*Effective from passage*):

136 (a) The Commissioner of Consumer Protection, with the advice and
137 assistance of the board, shall establish the requirements of registration
138 for well drilling contractors. Each person, before engaging in the
139 business of well drilling or pump installing, shall obtain annually from
140 the Department of Consumer Protection a certificate of registration as a
141 well drilling contractor, using an application blank prepared by said
142 department. Each application for issuance or renewal of a certificate of

143 registration shall be accompanied by a certificate of liability coverage
144 for bodily injury of at least one hundred thousand dollars per person
145 with an aggregate of at least three hundred thousand dollars and for
146 property damage of at least fifty thousand dollars per accident with an
147 aggregate of at least one hundred thousand dollars. The applicant shall
148 pay a registration fee of eighty-eight dollars with the application and
149 an annual renewal registration fee of two hundred fifty dollars for
150 renewals on and after April 1, 1984. A certificate of registration is not
151 transferable and expires annually. A lost, destroyed or mutilated
152 registration certificate may be replaced by a duplicate upon payment
153 of a lost fee of fifteen dollars. [One seal shall be issued to each
154 registrant as provided in subsection (b) of this section. Additional seals
155 may be obtained at a fee of three dollars each.]

156 (b) A well drilling contractor shall place in a conspicuous location
157 on both sides of his well drilling machine his registration number in
158 letters not less than two inches high. [A seal furnished by said
159 department designating the year the certificate of registration was
160 issued or renewed and the words "Connecticut registered well drilling
161 contractor" shall be affixed directly adjacent to the registration
162 number.]

163 Sec. 7. Subsections (d) and (e) of section 20-432 of the general
164 statutes are repealed and the following is substituted in lieu thereof
165 (*Effective from passage*):

166 (d) Whenever an owner obtains a court judgment against any
167 contractor holding a certificate or who has held a certificate under this
168 chapter within the past two years of the effective date of entering into
169 the contract with the owner, for loss or damages sustained by reason of
170 performance of or offering to perform a home improvement within
171 this state by a contractor holding a certificate under this chapter, such
172 owner may, upon the final determination of, or expiration of time for,
173 appeal in connection with any such judgment, apply to the
174 commissioner for an order directing payment out of said guaranty

175 fund of the amount unpaid upon the judgment for actual damages and
176 costs taxed by the court against the contractor, exclusive of punitive
177 damages. The application shall be made on forms provided by the
178 commissioner and shall be accompanied by a [certified] copy of the
179 court judgment obtained against the contractor together with a
180 notarized affidavit, signed and sworn to by the owner, affirming that:
181 (1) He has complied with all the requirements of this subsection; (2) he
182 has obtained a judgment stating the amount thereof and the amount
183 owing thereon at the date of application; and (3) he has caused to be
184 issued a writ of execution upon said judgment, and the officer
185 executing the same has made a return showing that no bank accounts
186 or real property of the contractor liable to be levied upon in satisfaction
187 of the judgment could be found, or that the amount realized on the sale
188 of them or of such of them as were found, under the execution, was
189 insufficient to satisfy the actual damage portion of the judgment or
190 stating the amount realized and the balance remaining due on the
191 judgment after application thereon of the amount realized, except that
192 the requirements of this subdivision shall not apply to a judgment
193 obtained by the owner in small claims court. A true and attested copy
194 of said executing officer's return, when required, shall be attached to
195 such application and affidavit. No application for an order directing
196 payment out of the guaranty fund shall be made later than two years
197 from the final determination of, or expiration time for, appeal of said
198 court judgment.

199 (e) Upon receipt of said application together with said [certified]
200 copy of the court judgment, notarized affidavit and true and attested
201 copy of the executing officer's return, the commissioner or his designee
202 shall inspect such documents for their veracity and upon a
203 determination that such documents are complete and authentic, and a
204 determination that the owner has not been paid, the commissioner
205 shall order payment out of the guaranty fund of the amount unpaid
206 upon the judgment for actual damages and costs taxed by the court
207 against the contractor, exclusive of punitive damages.

208 Sec. 8. Subsection (c) of section 21a-4 of the general statutes is
209 repealed and the following is substituted in lieu thereof (*Effective from*
210 *passage*):

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

217 Sec. 9. Subsection (g) of section 20-331 of the general statutes is
218 repealed and the following is substituted in lieu thereof (*Effective from*
219 *passage*):

220 (g) The Automotive Glass Work and Flat Glass Work Board shall
221 consist of [~~nine~~] eight members who shall be residents of this state, one
222 of whom shall be a general contractor or an unlimited contractor
223 licensed to perform automotive glass work under this chapter, one of
224 whom shall be a general contractor or an unlimited contractor licensed
225 to perform flat glass work under this chapter, one of whom shall be an
226 unlimited contractor licensed to perform automotive glass work under
227 this chapter, one of whom shall be an unlimited contractor licensed to
228 perform flat glass work under this chapter, [~~one of whom shall be an~~
229 ~~unlimited journeyman licensed to perform automotive glass work~~
230 ~~under this chapter,~~] one of whom shall be an unlimited journeyman
231 licensed to perform flat glass work under this chapter and three of
232 whom shall be public members. The initial members appointed under
233 this subsection need not be licensed to perform such work under this
234 chapter before January 1, 2001, provided such initial members shall
235 satisfy the applicable criteria set forth in subsection (e) of section 20-
236 334a. On and after January 1, 2001, each member appointed under this
237 subsection shall be licensed as provided in this subsection.

238 Sec. 10. Subsection (d) of section 31-286a of the 2010 supplement to
239 the general statutes is repealed and the following is substituted in lieu

240 thereof (*Effective from passage*):

241 (d) For purposes of this section, "sufficient evidence" means (1) a
242 certificate of self-insurance issued by a workers' compensation
243 commissioner pursuant to section 31-284, (2) a certificate of compliance
244 issued by the Insurance Commissioner pursuant to section 31-286, (3) a
245 certificate of insurance issued by any stock or mutual insurance
246 company or mutual association authorized to write workers'
247 compensation insurance in this state or its agent, or (4) in lieu of a
248 physical certificate of insurance being presented for [renewals] the
249 issuance or renewal of licenses and permits issued by the Department
250 of Consumer Protection, the entrance by the applicant on the renewal
251 form of the name of the insurer, insurance policy number, effective
252 dates of coverage, and a certification that the same is truthful and
253 accurate.

254 Sec. 11. Subsection (c) of section 20-314 of the 2010 supplement to
255 the general statutes is repealed and the following is substituted in lieu
256 thereof (*Effective from passage*):

257 (c) In order to determine the competency of any applicant for a real
258 estate broker's license or a real estate salesperson's license the
259 commission shall, on payment to the commission of an application fee
260 of one hundred twenty dollars by an applicant for a real estate broker's
261 license or on payment to the commission of an application fee of eighty
262 dollars by an applicant for a real estate salesperson's license, subject
263 such applicant to personal written examination as to the applicant's
264 competency to act as a real estate broker or real estate salesperson, as
265 the case may be. Such examination shall be prepared by the
266 Department of Consumer Protection or by a national testing service
267 designated by the Commissioner of Consumer Protection and shall be
268 administered to applicants by the Department of Consumer Protection
269 or by such testing service at such times and places as the commissioner
270 may deem necessary. The commission may waive the uniform portion
271 of the written examination requirement in the case of an applicant who

272 has taken the national testing service examination in another state
273 within two years from the date of application and has received a score
274 deemed satisfactory by the commission. The Commissioner of
275 Consumer Protection shall adopt regulations, in accordance with
276 chapter 54, establishing passing scores for examinations. In addition to
277 such application fee, applicants taking the examination administered
278 by a national testing service shall be required to pay directly to such
279 testing service an examination fee covering the cost of such
280 examination. Each payment of such application fee shall entitle the
281 applicant to take such examination [four times] within the one-year
282 period from the date of payment.

283 Sec. 12. Section 20-333 of the 2010 supplement to the general statutes
284 is repealed and the following is substituted in lieu thereof (*Effective*
285 *from passage*):

286 [The Department of Consumer Protection shall hold at least four
287 examinations each year, at such times as the appropriate board may
288 determine and in such locations as may be convenient, written notice
289 of the time and place of each such examination to be given to each
290 applicant at least ten days prior to such examination.] To obtain a
291 license under this chapter, an applicant shall have attained such
292 applicant's eighteenth birthday and shall furnish such evidence of
293 competency as the appropriate board, with the consent of the
294 Commissioner of Consumer Protection, shall require. The applicant
295 shall satisfy such board that such applicant is of good moral character,
296 possesses a diploma or other evidence of graduation from the eighth
297 grade of grammar school, or possesses an equivalent education to be
298 determined on examination and has the requisite skill to perform the
299 work in the trade for which such applicant is applying for a license and
300 can comply with all other requirements of this chapter and the
301 regulations adopted under this chapter. Upon application for any such
302 license, the applicant shall pay to the department a nonrefundable
303 application fee of ninety dollars for a license under subdivisions (2)
304 and (3) of subsection (a) and subdivision (4) of subsection (e) of section

305 20-334a, or a nonrefundable application fee of one hundred fifty
306 dollars for a license under subdivision (1) of subsection (a),
307 subdivisions (1) and (2) of subsection (b), subdivision (1) of subsection
308 (c) and subdivisions (1), (2) and (3) of subsection (e) of section 20-334a.
309 The department shall conduct such written, oral and practical
310 examinations as the appropriate board, with the consent of the
311 commissioner, deems necessary to test the knowledge of the applicant
312 in the work for which a license is being sought. Any person completing
313 the required apprentice training program for a journeyman's license
314 under section 20-334a shall, within thirty days following such
315 completion, apply for a licensure examination given by the
316 department. If an applicant does not pass such licensure examination,
317 the commissioner shall provide each failed applicant with information
318 on how to retake the examination and a report describing the
319 applicant's strengths and weaknesses in such examination. [The
320 applicant may take up to two additional examinations during the
321 one-year period commencing on the date of such applicant's first
322 examination application, provided, if the applicant does not pass such
323 applicant's third examination the applicant may not be examined again
324 until one year after the date of such third examination.] Any
325 apprentice permit issued under section 20-334a to an applicant who
326 fails three licensure examinations in any one-year period shall remain
327 in effect if such applicant applies for and takes the first licensure
328 examination given by the department following the one-year period
329 from the date of such applicant's third and last unsuccessful licensure
330 examination. Otherwise, such permit shall be revoked as of the date of
331 the first examination given by the department following expiration of
332 such one-year period. When an applicant has qualified for a license,
333 the department shall, upon receipt of the license fee, issue to such
334 applicant a license entitling such applicant to engage in the work or
335 occupation for which a license was sought and shall register each
336 successful applicant's name and address in the roster of licensed
337 persons authorized to engage in the work or occupation within the
338 appropriate board's authority. [Each board may declare forfeited the

339 application fee of any applicant who has failed to appear for
340 examination at three successive examinations for which written notice
341 has been sent.] All fees and other moneys collected by the department
342 shall be promptly transmitted to the State Treasurer as provided in
343 section 4-32.

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

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

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

355 (2) "Person" means an individual, corporation, limited liability
356 company, association, partnership, trust, foundation or any other
357 entity however styled.

358 (3) "Solicit" and "solicitation" mean any request directly or indirectly
359 for money, credit, property, financial assistance or other thing of any
360 kind or value on the plea or representation that such money, credit,
361 property, financial assistance or other thing of any kind or value is to
362 be used for a charitable purpose or benefit a charitable organization.
363 "Solicit" and "solicitation" shall include, but shall not be limited to, the
364 following methods of requesting or securing such money, credit,
365 property, financial assistance or other thing of value: (A) Any oral or
366 written request; (B) any announcement to the press, over the radio or
367 television or by telephone or telegraph concerning an appeal or
368 campaign by or for any charitable organization or purpose; (C) the
369 distribution, circulation, posting or publishing of any handbill, written

370 advertisement or other publication; (D) the sale of, offer or attempt to
371 sell, any advertisement, advertising space, book, card, tag, coupon,
372 device, magazine, membership, merchandise, subscription, flower,
373 ticket, candy, cookies or other tangible item in connection with an
374 appeal made for any charitable organization or purpose, or where the
375 name of any charitable organization is used or referred to in any such
376 appeal as an inducement or reason for making any such sale, or when
377 or where in connection with any such sale, any statement is made that
378 the whole or any part of the proceeds from any such sale is to be used
379 for any charitable purpose or benefit any charitable organization. A
380 solicitation shall be deemed to have taken place whether or not the
381 person making the same receives any contribution.

382 (4) "Charitable purpose" means any benevolent, educational,
383 philanthropic, humane, scientific, patriotic, social welfare or advocacy,
384 public health, environmental conservation, civic or eleemosynary
385 objective.

386 (5) "Contribution" means the grant, promise or pledge of money,
387 credit, property, financial assistance or other thing of any kind or value
388 in response to a solicitation. "Contribution" shall not include bona fide
389 fees, dues or assessments paid by members, provided membership is
390 not conferred solely as consideration for making a contribution in
391 response to a solicitation.

392 (6) "Fund-raising counsel" means a person who for compensation
393 plans, manages, advises or consults with respect to the solicitation in
394 this state of contributions by a charitable organization, but who does
395 not solicit contributions and who does not directly or indirectly
396 employ, procure or engage any person compensated to solicit
397 contributions. A bona fide nontemporary salaried officer or employee
398 of a charitable organization shall not be deemed to be a fund-raising
399 counsel.

400 (7) "Paid solicitor" means a person who for any consideration, other
401 than any nonmonetary gift of nominal value awarded to a volunteer

402 solicitor as an incentive or token of appreciation, performs for a
403 charitable organization any service in connection with which
404 contributions are solicited by such person or by any person he directly
405 or indirectly employs, procures or engages to solicit for such
406 compensation. A bona fide nontemporary salaried officer or employee
407 of a charitable organization shall not be deemed to be a paid solicitor.

408 (8) "Commercial coventurer" means a person who for profit is
409 regularly and primarily engaged in trade or commerce in this state
410 other than in connection with the raising of funds for charitable
411 organizations or purposes and who conducts a charitable sales
412 promotion.

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

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

418 (11) "Commissioner" means the Commissioner of Consumer
419 Protection.

420 (12) "Membership" means that which entitles a person to the
421 privileges, professional standing, honors or other direct benefit of the
422 organization and the rights to vote, elect officers and hold office in the
423 organization.

424 (13) "Parent organization" means that part of a charitable
425 organization which supervises and exercises control over the
426 solicitation and expenditure activities of one or more chapters,
427 branches or affiliates.

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

431 Sec. 14. Section 21a-190b of the 2010 supplement to the general
432 statutes is repealed and the following is substituted in lieu thereof
433 (*Effective from passage*):

434 (a) Every charitable organization not exempted by section 21a-190d,
435 as amended by this act, shall annually register with the department
436 prior to conducting any solicitation or prior to having any solicitation
437 conducted on its behalf by others. Application for registration shall be
438 [made on forms prescribed by the department] in a form prescribed by
439 the commissioner and shall include payment of a fee of fifty dollars.
440 Such application shall include: (1) A registration statement, (2) an
441 annual financial report for such organization for the preceding fiscal
442 year that is prepared in accordance with the provisions of subsection
443 (a) of section 21a-190c, as amended by this act, and (3) an audited
444 financial statement as required by subsection (b) of said section 21a-
445 190c, as amended by this act. Two authorized officers of the
446 organization shall sign the registration statement and shall certify that
447 the statements therein are true and correct to the best of their
448 knowledge. A chapter, branch or affiliate in this state of a registered
449 parent organization shall not be required to register provided the
450 parent organization files a consolidated annual registration for itself
451 and its chapter, branch or affiliate. Each charitable organization shall
452 annually renew its registration not later than five months after the end
453 of such organization's fiscal year.

454 (b) In the event the department determines that the application for
455 registration does not contain the documents required in subsection (a)
456 of this section or is not in accordance with the regulations adopted by
457 the commissioner pursuant to this chapter, the department shall notify
458 the charitable organization [, in writing,] of such noncompliance not
459 later than ten days after the department's receipt of such application
460 for registration. An application for registration shall be deemed to be
461 approved if the charitable organization is not notified of
462 noncompliance by the department not later than ten days after the
463 department's receipt of the application for registration. Any such

464 charitable organization may request a hearing on its noncompliant
465 status not later than seven days after receipt of such noncompliance
466 notice. Such hearing shall be held not later than seven days after the
467 department's receipt of such request and a determination as to the
468 organization's compliance status shall be rendered no later than three
469 days after such hearing.

470 (c) In addition to the application fee required pursuant to subsection
471 (a) of this section, a charitable organization shall pay a late fee of
472 twenty-five dollars for each month, or part thereof, that such
473 application for registration is late, except that such late fee shall not
474 include any month during which an extension of time was granted
475 pursuant to subsection (d) of this section. The commissioner may,
476 upon written request and for good cause shown, waive or reduce any
477 late fee under this section.

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

483 (e) In the event that a charitable organization fails to register in
484 accordance with the provisions of this section, such organization shall
485 include in its application for registration an annual financial report for
486 each of the previous years in which such organization was required to
487 file an application for registration or an annual financial report.

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

492 Sec. 15. Subsection (a) of section 21a-190c of the 2010 supplement to
493 the general statutes is repealed and the following is substituted in lieu
494 thereof (*Effective from passage*):

495 (a) Every charitable organization required to register pursuant to
496 section 21a-190b, as amended by this act, shall annually file with the
497 department, as part of such organization's application for registration,
498 a financial report for its most recently completed fiscal year, which
499 report shall include a financial statement and such other information
500 as the commissioner may require and shall be [signed] certified by two
501 authorized officers of the organization, one of whom shall be the chief
502 fiscal officer of the organization. The information contained in such
503 report shall be available to the public. Such officers shall certify that
504 such report is true and correct to the best of their knowledge. The
505 commissioner shall prescribe the form of the report and may prescribe
506 standards for its completion. The commissioner may accept, under
507 such conditions as said commissioner may prescribe, a copy or
508 duplicate original of financial statements, reports or returns filed by
509 the charitable organization with the Internal Revenue Service or
510 another state having requirements similar to the provisions of sections
511 21a-190a to 21a-190l, inclusive, as amended by this act.

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

514 The following charitable organizations shall not be subject to the
515 provisions of sections 21a-190b, as amended by this act, and 21a-190c,
516 as amended by this act, provided each such organization shall submit
517 such information as the department may require to substantiate an
518 exemption under this section in a form prescribed by the
519 commissioner:

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

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

525 (3) Any nonprofit hospital licensed in accordance with the

526 provisions of section 19a-630 or any similar provision of the laws of
527 any other state;

528 (4) Any governmental unit or instrumentality of any state or the
529 United States;

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

532 (6) Any charitable organization which normally receives less than
533 fifty thousand dollars in contributions annually, provided such
534 organization does not compensate any person primarily to conduct
535 solicitations.

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

538 (a) Each contract between a charitable organization and a fund-
539 raising counsel shall be in writing and shall be filed by the fund-raising
540 counsel with the department at least fifteen days prior to the
541 performance by the fund-raising counsel of any material services
542 pursuant to such contract. Each contract shall be filed in a form
543 prescribed by the commissioner. The contract shall contain such
544 information as will enable the department to identify the services the
545 fund-raising counsel is to provide and the manner of his
546 compensation.

547 (b) A fund-raising counsel who at any time has custody or control of
548 contributions from a solicitation shall register with the department.
549 Applications for registration or renewal of a registration as a fund-
550 raising counsel shall be in [writing, under oath, in the] a form
551 prescribed by the [department] commissioner and shall be
552 accompanied by a fee in the amount of one hundred twenty dollars.
553 Each fund-raising counsel shall certify that such application or report
554 is true and correct to the best of the fund-raising counsel's knowledge.
555 Each application shall contain such information as the department

556 shall require. Each registration shall be valid for one year and may be
557 renewed for additional one-year periods. An applicant for registration
558 or for a renewal of registration as a fund-raising counsel shall, at the
559 time of making such application, file with and have approved by the
560 department a bond in a form prescribed by the commissioner, in which
561 the applicant shall be the principal obligor in the sum of twenty
562 thousand dollars, with one or more responsible sureties whose liability
563 in the aggregate as such sureties shall be no less than such sum. The
564 fund-raising counsel shall maintain the bond in effect as long as the
565 registration is in effect. The bond shall run to the state and to any
566 person who may have a cause of action against the principal obligor of
567 the bond for any liabilities resulting from the obligor's conduct of any
568 activities subject to sections 21a-190a to 21a-190l, inclusive, as amended
569 by this act, or arising out of a violation of said sections or any
570 regulation adopted pursuant to said sections. Any such fund-raising
571 counsel shall account to the charitable organization with which he has
572 contracted for all income received and expenses paid no later than
573 ninety days after a solicitation campaign has been completed, and in
574 the case of a solicitation campaign lasting more than one year, on the
575 anniversary of the commencement of such campaign. Such accounting
576 shall be in writing, shall be retained by the charitable organization for
577 three years and shall be available to the department upon request.

578 Sec. 18. Section 21a-190f of the general statutes is repealed and the
579 following is substituted in lieu thereof (*Effective from passage*):

580 (a) No person shall act as a paid solicitor unless such person has
581 first registered with the department. [Applications for registration and
582 for the renewal of a registration shall be in writing, under oath, in the
583 form prescribed by the department] Registration shall be in a form
584 prescribed by the commissioner, shall be certified by the paid solicitor
585 as true and correct to the best of the solicitor's knowledge and shall be
586 accompanied by a fee in the amount of five hundred dollars. The
587 application shall contain such information as the department shall
588 require. Each registration shall be valid for one year and may be

589 renewed for additional one-year periods.

590 (b) An applicant for registration or for a renewal of registration as a
591 paid solicitor shall, at the time of making such application, file with
592 and have approved by the department a bond in a form prescribed by
593 the commissioner, in which the applicant shall be the principal obligor
594 in the sum of twenty thousand dollars, with one or more responsible
595 sureties whose liability in the aggregate as such sureties shall be no
596 less than such sum. The paid solicitor shall maintain the bond in effect
597 as long as the registration is in effect. The bond shall run to the state
598 and to any person who may have a cause of action against the
599 principal obligor of the bond for any liabilities resulting from the
600 obligor's conduct of any activities subject to sections 21a-190a to 21a-
601 190l, inclusive, as amended by this act, or arising out of a violation of
602 said sections or any regulation adopted pursuant to said sections.

603 (c) No less than twenty days prior to the commencement of each
604 solicitation campaign, a paid solicitor shall file with the department a
605 copy of the contract described in subsection (d) of this section and shall
606 [file a completed] complete a solicitation notice [on forms prescribed
607 by the department] in a form prescribed by the commissioner. A
608 solicitation notice shall be [in writing and under oath,] certified by the
609 paid solicitor as true and correct to the best of the solicitor's knowledge
610 and shall include a description of the solicitation event or campaign,
611 the location and telephone number from which the solicitation is to be
612 conducted, the names and residence addresses of all employees, agents
613 or other persons however styled who are to solicit during such
614 campaign and the account number and location of all bank accounts
615 where receipts from such campaign are to be deposited. Copies of
616 campaign solicitation literature, including the text of any solicitation to
617 be made orally, shall be [attached to the solicitation notice] submitted
618 to the department. The charitable organization on whose behalf the
619 paid solicitor is acting shall certify that the solicitation notice and
620 accompanying material are true and complete. Prior to the
621 commencement of such solicitation campaign, the commissioner shall

622 publicize such solicitation [through the issuance of a press release and
623 the] by posting on the department's web site [of] information
624 describing the terms of the contract between the paid solicitor and the
625 charitable organization, the dates of such solicitation campaign and the
626 percentage of the raised funds to be retained by the paid solicitor. The
627 commissioner may publicize such solicitation through any additional
628 means the commissioner deems appropriate.

629 (d) A contract between a paid solicitor and a charitable organization
630 shall be in writing, shall clearly state the respective obligations of the
631 paid solicitor and the charitable organization and shall state the
632 minimum amount that the charitable organization shall receive as a
633 result of the solicitation campaign, which minimum amount shall be
634 stated as a percentage of the gross revenue. Such minimum amount
635 shall not include any amount that the charitable organization is to pay
636 as expenses of the solicitation campaign.

637 (e) A paid solicitor shall, prior to orally requesting a contribution,
638 and at the same time at which a written request for a contribution is
639 made, clearly and conspicuously disclose at the point of solicitation
640 such solicitor's name as on file with the department, the fact that such
641 solicitor is a paid solicitor and the percentage of the gross revenue
642 which the charitable organization shall receive as identified in
643 subsection (d) of this section.

644 (f) A paid solicitor shall, in the case of a solicitation campaign
645 conducted orally, whether by telephone or otherwise, send a written
646 confirmation to each person who has pledged to contribute, no more
647 than five days after such person has been solicited, which confirmation
648 shall include a clear and conspicuous disclosure of the information
649 required by subsection (e) of this section.

650 (g) A paid solicitor shall not represent that any part of the
651 contributions received will be given or donated to any charitable
652 organization unless such organization has consented in writing to the
653 use of its name, prior to the solicitation. Such written consent, if given,

654 shall be signed by two authorized officers, directors or trustees of the
655 charitable organization.

656 (h) No paid solicitor may represent that tickets to an event are to be
657 donated for use by another, unless the paid solicitor has first obtained
658 a commitment, in writing, from a charitable organization stating that it
659 will accept donated tickets and specifying the number of tickets which
660 it is willing to accept and provided no more contributions for donated
661 tickets shall be solicited than the number of ticket commitments
662 received from the charitable organization.

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

666 (j) A paid solicitor shall file a financial report for the campaign with
667 the department no more than ninety days after a solicitation campaign
668 has been completed, and on the anniversary of the commencement of
669 any solicitation campaign which lasts more than one year, in a form
670 prescribed by the commissioner. The financial report shall include
671 gross revenue and an itemization of all expenditures incurred. The
672 report shall be completed on a form prescribed by the department. An
673 authorized official of the paid solicitor and two authorized officials of
674 the charitable organization shall [sign such report and they shall]
675 certify [, under oath,] that such report is true and complete to the best
676 of their knowledge. The information contained in such report shall be
677 available to the public.

678 (k) A paid solicitor shall maintain during each solicitation campaign
679 and for not less than three years after the completion of each such
680 campaign the following records, which shall be available to the
681 department for inspection upon request: (1) The name and address of
682 each contributor and the date and amount of the contribution,
683 provided the department shall not disclose this information except to
684 the extent necessary for investigative or law enforcement purposes; (2)
685 the name and residence of each employee, agent or other person

686 involved in the solicitation; and (3) records of all income received and
687 expenses incurred in the course of the solicitation campaign.

688 (l) If a paid solicitor sells tickets to an event and represents that
689 tickets will be donated for use by another, the paid solicitor shall
690 maintain, for not less than three years after the completion of such
691 event, the following records, which shall be available to the
692 department for inspection upon request: (1) The name and address of
693 contributors donating tickets and the number of tickets donated by
694 each contributor; and (2) the name and address of all organizations
695 receiving donated tickets for use by others, including the number of
696 tickets received by each organization.

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

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

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

714 Sec. 19. Subsection (a) of section 21a-190g of the general statutes is
715 repealed and the following is substituted in lieu thereof (*Effective from*
716 *passage*):

717 (a) Every charitable organization which agrees to permit a charitable
 718 sales promotion to be conducted in its behalf, shall obtain a written
 719 agreement from the commercial coventurer and [file] submit a copy of
 720 such agreement [with] to the department not less than ten days prior
 721 to the commencement of the charitable sales promotion within this
 722 state. An authorized representative of the charitable organization and
 723 the commercial coventurer shall sign such agreement and the terms of
 724 such agreement shall include the following: (1) The goods or services
 725 to be offered to the public; (2) the geographic area where, and the
 726 starting and final date when, such offering is to be made; (3) the
 727 manner in which the name of the charitable organization is to be used,
 728 including any representation to be made to the public as to the amount
 729 or per cent per unit of goods or services purchased or used that is to
 730 benefit the charitable organization; (4) a provision for a final
 731 accounting on a per unit basis to be given by the commercial
 732 coventurer to the charitable organization and the date when it is to be
 733 made; and (5) the date when and the manner in which the benefit is to
 734 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>	20-377l
Sec. 2	<i>from passage</i>	21a-57
Sec. 3	<i>from passage</i>	21a-141
Sec. 4	<i>from passage</i>	21a-154
Sec. 5	<i>from passage</i>	21a-155
Sec. 6	<i>from passage</i>	25-129(a) and (b)
Sec. 7	<i>from passage</i>	20-432(d) and (e)
Sec. 8	<i>from passage</i>	21a-4(c)
Sec. 9	<i>from passage</i>	20-331(g)
Sec. 10	<i>from passage</i>	31-286a(d)
Sec. 11	<i>from passage</i>	20-314(c)
Sec. 12	<i>from passage</i>	20-333
Sec. 13	<i>from passage</i>	21a-190a
Sec. 14	<i>from passage</i>	21a-190b
Sec. 15	<i>from passage</i>	21a-190c(a)

Sec. 16	<i>from passage</i>	21a-190d
Sec. 17	<i>from passage</i>	21a-190e
Sec. 18	<i>from passage</i>	21a-190f
Sec. 19	<i>from passage</i>	21a-190g(a)

Statement of Purpose:

To make minor and technical changes to Department of Consumer Protection statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]