



General Assembly

February Session, 2010

**Raised Bill No. 188**

LCO No. 1036

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Referred to Committee on General Law

Introduced by:  
(GL)

**AN ACT ESTABLISHING UNIFORM PROCEDURES REGARDING NEW HOME CONSTRUCTION CONTRACTOR AND HOME IMPROVEMENT CONTRACTOR AND SALESMAN RELATED COMPLAINTS.**

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

1 Section 1. (NEW) (*Effective January 1, 2011*) (a) For purposes of this  
2 section: (1) "Commissioner" means the Commissioner of Consumer  
3 Protection or the commissioner's duly authorized representative, and  
4 (2) "department" means the Department of Consumer Protection.

5 (b) Any person may file a written complaint with the department  
6 concerning the work or practices of a person: (1) Registered as a new  
7 home construction contractor pursuant to chapter 399a of the general  
8 statutes, (2) registered as a home improvement contractor or salesman  
9 pursuant to chapter 400 of the general statutes, or (3) who is not  
10 registered pursuant to said chapters but has performed work or acted  
11 in a manner that requires registration with the department pursuant to  
12 said chapters.

13 (c) Not later than thirty days after receipt of a complaint made  
14 pursuant to subsection (b) of this section, the commissioner shall mail

15 or electronically send a copy of such complaint to the person against  
16 whom the complaint was made. Such person may respond in writing  
17 to the commissioner not later than sixty days after receipt of such copy.

18 (d) The commissioner shall screen each complaint made pursuant to  
19 subsection (b) of this section and dismiss any complaint in which the  
20 allegation, if substantiated, would not constitute a violation of any  
21 statute or regulation of this state. Such dismissed complaints shall not  
22 be posted on the department's Internet web site or otherwise made  
23 available to the public, except as required pursuant to chapter 14 of the  
24 general statutes.

25 (e) The commissioner shall enter all complaints that are not  
26 dismissed into a database maintained by the department. Such  
27 database shall contain: (1) The name of the person who is the subject of  
28 the complaint, (2) the date of the complaint, (3) whether such person is  
29 registered or not registered pursuant to chapter 399a or 400 of the  
30 general statutes, (4) a brief description of the complaint, (5) whether  
31 such person has filed a response to such complaint pursuant to  
32 subsection (b) of this section, (6) a brief description of such response, if  
33 applicable, including whether such person disagrees with or disputes  
34 the complaint, (7) the department's disposition of such complaint,  
35 including whether it has been dismissed pursuant to subsection (d) of  
36 this section, has been substantiated by the commissioner, lacks  
37 probable cause of a violation of a statute or regulation of this state or  
38 lacks further actionable substance that could lead to any penalty  
39 imposed on such person by the commissioner, (8) whether the  
40 complaint has been referred to the Attorney General or any other law  
41 enforcement authority for further disposition, and (9) whether the  
42 complaint has been resolved by the complainant and such person, if  
43 such information is known to the commissioner.

44 (f) The commissioner shall investigate each complaint in which the  
45 allegation, if substantiated, would constitute a violation of a statute or  
46 regulation under the jurisdiction of the department. In conducting an

47 investigation, the commissioner may seek the assistance of persons  
48 from outside state service who are registered to perform the work  
49 authorized pursuant to chapter 399a or 400 of the general statutes.

50 (g) The commissioner shall dismiss a complaint following an  
51 investigation if the commissioner determines that such complaint is  
52 not or cannot be substantiated, lacks probable cause of a violation of a  
53 statute or regulation of this state, or lacks further actionable substance  
54 that could lead to any penalty imposed on the contractor by the  
55 commissioner. The commissioner shall remove a dismissed complaint  
56 from the department's database not later than thirty days after the date  
57 of dismissal. A complaint shall be removed from the department's  
58 database one year after it was filed with the department if the  
59 complaint has not been investigated by the commissioner. Any other  
60 outstanding complaint shall be removed from the department's  
61 database three years after it was filed with the department, unless the  
62 complaint is being actively investigated by the commissioner,  
63 prosecuted by municipal, state or federal law enforcement authorities  
64 or litigated by the department or the Attorney General.

65 (h) The department shall make its complaint database available to  
66 the public on the department's web site and, subject to the provisions  
67 of this section, respond to public inquiries regarding persons against  
68 whom complaints have been filed pursuant to subsection (b) of this  
69 section.

70 (i) A complainant or person against whom a complaint has been  
71 filed pursuant to subsection (b) of this section may request the  
72 commissioner to amend any information contained in the department's  
73 complaint database that is made available to the public. The  
74 commissioner may change or amend any such information in the  
75 commissioner's sole discretion.

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

Section 1	January 1, 2011	New section
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**Statement of Purpose:**

To establish uniform Department of Consumer Protection new home construction contractor and home improvement contractor and salesman related complaint procedures.

*[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.]*