



Senate

General Assembly

File No. 119

January Session, 2011

Senate Bill No. 867

Senate, March 21, 2011

The Committee on General Law reported through SEN. DOYLE of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING PENALTIES FOR THE VIOLATION OF MECHANICAL CONTRACTOR REGISTRATION REQUIREMENTS.

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

1 Section 1. Section 20-341s of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 As used in sections 20-341s to 20-341bb, inclusive:

4 (1) "Commissioner" means the Commissioner of Consumer
5 Protection;

6 (2) "Mechanical contractor" means any corporation, association,
7 firm, partnership or other business organization regularly offering to
8 the public the services of its employees [in] licensed to perform
9 plumbing and piping work or [in] heating, piping and cooling work, in
10 accordance with the provisions of chapter 393, but does not include (A)
11 any corporation, association, firm, partnership or other business
12 organization which performs such work exclusively on single family

13 or multifamily private residences or dwellings consisting of not more
 14 than four units or which employs less than ten persons licensed to
 15 perform plumbing and piping work or heating, piping and cooling
 16 work in accordance with the provisions of chapter 393, (B) any
 17 corporation, association, firm, partnership or other business
 18 organization which is engaged in the installation, repair, alteration, or
 19 replacement of sewer lines, storm drainage lines or water lines and
 20 services, or (C) an individual licensed pursuant to chapter 393;

21 (3) "Plumbing and piping work" has the same meaning as set forth
 22 in subdivision (3) of section 20-330;

23 (4) "Heating, piping and cooling work" has the same meaning as set
 24 forth in subdivision (5) of section 20-330; and

25 (5) "Apprentice" has the same meaning as set forth in subdivision (6)
 26 of section 20-330.

27 Sec. 2. Section 20-341y of the general statutes is amended by adding
 28 subsection (e) as follows (*Effective October 1, 2011*):

29 (NEW) (e) A mechanical contractor that does not obtain a certificate
 30 of registration as required by section 20-341t and who wilfully engages
 31 its employees in plumbing and piping work or in heating, piping and
 32 cooling work or who wilfully supplies for employment an employee
 33 who does not hold a valid license to perform such work shall be fined
 34 one thousand dollars for the first offense and two thousand five
 35 hundred dollars for each subsequent offense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	20-341s
Sec. 2	<i>October 1, 2011</i>	20-341y

GL *Joint Favorable*

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:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Consumer Protection, Dept.	GF - Revenue Gain	5,000	5,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a revenue gain of \$5,000 by imposing an additional penalty of a \$1,000 fine for the first offense and \$2,500 for each subsequent offense related to the violation of mechanical contractor registration requirements. An average of 5 violations occur each year.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations and any subsequent violations.

OLR Bill Analysis**SB 867*****AN ACT CONCERNING PENALTIES FOR THE VIOLATION OF MECHANICAL CONTRACTOR REGISTRATION REQUIREMENTS.*****SUMMARY:**

This bill expands the penalty for a mechanical contractor that does not obtain a certificate of registration and willfully (1) engages its employees in plumbing and piping work or in heating, piping, and cooling work or (2) supplies for employment someone who does not hold a valid license to perform such work (presumably this refers to someone supplied to work for, but not be hired by, another). Currently, a violation is subject to the penalties for an unfair or deceptive trade practice. The bill imposes an additional penalty of a \$1,000 fine for the first offense and \$2,500 for each subsequent offense.

EFFECTIVE DATE: October 1, 2011

BACKGROUND***Mechanical Contractor***

A mechanical contractor is any corporation, association, firm, partnership, or business organization that regularly offers to the public its employees' services in plumbing and piping work or heating, piping, and cooling work. A mechanical contractor has 10 or more employees and works on buildings that (1) consist of four or more units or (2) are not residential. By law, the mechanical contractor is required to obtain a certificate of registration from the consumer protection commissioner before doing or offering to do work (CGS § 20-341t).

Connecticut Unfair Trade Practices Act

The law prohibits businesses from engaging in unfair and deceptive

acts or practices. CUTPA allows the DCP commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$5,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorneys fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order.

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 15 Nay 0 (03/03/2011)