



General Assembly

January Session, 2011

Raised Bill No. 863

LCO No. 2693

02693_____GL_

Referred to Committee on General Law

Introduced by:
(GL)

AN ACT CONCERNING THE LICENSING OF SWIMMING POOL INSTALLERS.

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

1 Section 1. (NEW) (*Effective from passage*) (a) As used in this section,
2 "swimming pool" means any in-ground structure intended for
3 swimming.

4 (b) On or after the adoption of regulations required pursuant to
5 subsection (c) of this section, no person shall install a swimming pool
6 unless such person holds a swimming pool builder's license issued by
7 the Commissioner of Consumer Protection.

8 (c) Not later than July 1, 2012, the Commissioner of Consumer
9 Protection shall adopt regulations, in accordance with the provisions of
10 chapter 54 of the general statutes, to implement the provisions of this
11 section, including establishing the amount and type of experience,
12 training and examination requirements for a person to obtain a
13 swimming pool builder's license.

14 (d) Any person who installs a swimming pool on residential

15 property owned by such person shall be exempt from the provisions of
16 this section.

17 (e) The holder of a swimming pool builder's license issued pursuant
18 to this section shall comply with the provisions of chapter 400 of the
19 general statutes regarding registration as a home improvement
20 contractor.

21 (f) A person licensed as a swimming pool builder pursuant to this
22 section shall not perform electrical work, plumbing and piping work
23 or heating, piping and cooling work, as defined in section 20-330 of the
24 general statutes, unless such person is licensed to perform such work
25 pursuant to chapter 393 of the general statutes.

26 (g) The fee for a swimming pool builder's license shall be one
27 hundred fifty dollars. Licenses shall be valid for a period of one year
28 from the date of issuance.

29 Sec. 2. Section 20-341 of the general statutes is repealed and the
30 following is substituted in lieu thereof (*Effective July 1, 2012*):

31 (a) Any person who wilfully engages in or practices the work or
32 occupation for which a license is required by this chapter or by section
33 1 of this act without having first obtained an apprentice permit or a
34 certificate and license for such work, as applicable, or who wilfully
35 employs or supplies for employment a person who does not have a
36 certificate and license for such work, or who wilfully and falsely
37 pretends to qualify to engage in or practice such work or occupation,
38 or who wilfully engages in or practices any of the work or occupations
39 for which a license is required by this chapter after the expiration of
40 such person's license, shall be guilty of a class B misdemeanor,
41 provided no criminal charges shall be instituted against such person
42 pursuant to this subsection unless the work activity in question is
43 reviewed by the Commissioner of Consumer Protection, or the
44 commissioner's authorized agent, and the commissioner or such agent
45 specifically determines, in writing, that such work activity requires a

46 license and is not the subject of a bona fide dispute between persons
47 engaged in any trade or craft, whether licensed or unlicensed.
48 Notwithstanding the provisions of subsection (d) or (e) of section 53a-
49 29 and subsection (d) of section 54-56e, if the court determines that
50 such person cannot fully repay any victims of such person within the
51 period of probation established in subsection (d) or (e) of section 53a-
52 29 or subsection (d) of section 54-56e, the court may impose probation
53 for a period of not more than five years. The penalty provided in this
54 subsection shall be in addition to any other penalties and remedies
55 available under this chapter or chapter 416.

56 (b) The appropriate examining board or the Commissioner of
57 Consumer Protection may, after notice and hearing, impose a civil
58 penalty on any person who engages in or practices the work or
59 occupation for which a license or apprentice registration certificate is
60 required by this chapter, section 1 of this act, chapter 394 or chapter
61 482 without having first obtained such a license or certificate, or who
62 wilfully employs or supplies for employment a person who does not
63 have such a license or certificate or who wilfully and falsely pretends
64 to qualify to engage in or practice such work or occupation, or who
65 engages in or practices any of the work or occupations for which a
66 license or certificate is required by this chapter, section 1 of this act,
67 chapter 394 or chapter 482 after the expiration of the license or
68 certificate or who violates any of the provisions of this chapter, section
69 1 of this act, chapter 394 or chapter 482 or the regulations adopted
70 pursuant thereto. Such penalty shall be in an amount not more than
71 one thousand dollars for a first violation of this subsection, not more
72 than one thousand five hundred dollars for a second violation of this
73 subsection and not more than three thousand dollars for each violation
74 of this subsection occurring less than three years after a second or
75 subsequent violation of this subsection, except that any individual
76 employed as an apprentice but improperly registered shall not be
77 penalized for a first offense.

78 (c) If an examining board or the Commissioner of Consumer

79 Protection imposes a civil penalty under the provisions of subsection
80 (b) of this section as a result of a violation initially reported by a
81 municipal building official in accordance with subsection (c) of section
82 29-261, the commissioner shall, not less than sixty days after collecting
83 such civil penalty, remit one-half of the amount collected to such
84 municipality.

85 (d) A violation of any of the provisions of this chapter or section 1 of
86 this act shall be deemed an unfair or deceptive trade practice under
87 subsection (a) of section 42-110b.

88 (e) This section shall not apply to any person who (1) holds a license
89 issued under this chapter, section 1 of this act, chapter 394 or chapter
90 482 and performs work that is incidentally, directly and immediately
91 appropriate to the performance of such person's trade where such
92 work commences at an outlet, receptacle or connection previously
93 installed by a person holding the proper license, or (2) engages in work
94 that does not require a license under this chapter, section 1 of this act,
95 chapter 394 or chapter 482.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2012</i>	20-341

Statement of Purpose:

To establish a swimming pool builder's license.

[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.]