



House Bill No. 6338

Public Act No. 11-117

AN ACT CONCERNING LANDSCAPE ARCHITECTS, PENALTIES FOR UNLICENSED OCCUPATIONAL WORK AND DEPARTMENT OF CONSUMER PROTECTION RETIREMENT STATUS LICENSES.

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

Section 1. Section 20-373 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

After notice and opportunity for hearing as provided in the regulations adopted by the Commissioner of Consumer Protection, the board may: [suspend for a definite period, not to exceed one year, or may] (1) Suspend or revoke any license [or may officially censure any person holding a license] or registration issued pursuant to this chapter, (2) issue a letter of reprimand to any such license or registration holder, (3) place any such license or registration holder on probationary status with certain conditions, (4) issue a civil penalty in an amount not greater than one thousand dollars to any such license or registration holder, or (5) impose any combination of subdivisions (1) to (4), inclusive, of this section if it is shown that the license or registration was obtained through fraud or misrepresentation; or if the holder of the license or registration has been found guilty by the board or by a court of competent jurisdiction of any fraud or deceit in [his] such license or registration holder's professional practice; or if the

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holder of the license or registration has been found guilty by the board of [gross] negligence or [gross] incompetency; or if the board has found that the licensee or registrant has violated any provision of this chapter, or the regulations adopted pursuant to this chapter. [The Secretary of the State shall be immediately notified of such suspension or revocation.] Appeals from the decisions of the board may be taken as provided in section 4-183. [, except such appeals shall be made returnable to the judicial district of New Britain.] The board may authorize the Department of Consumer Protection to reissue any license or registration which has been revoked, and [it] the board may modify [the suspension of any license which has been suspended] or discontinue any action taken by it pursuant to this section.

Sec. 2. (NEW) (*Effective July 1, 2011*) (a) The practice of or the offer to practice landscape architecture in this state by individual licensed landscape architects under the corporate form, or by a corporation or limited liability company that employs licensed landscape architects, is permitted, provided: (1) Personnel of such corporation or limited liability company who act on its behalf as landscape architects are licensed or are exempt from licensure under the provisions of chapter 396 of the general statutes, and (2) such corporation or limited liability company has been issued a certificate of registration by the State Board of Landscape Architects as provided in subsection (b) of this section.

(b) A qualifying corporation or limited liability company desiring a certificate of registration shall file with the board an application upon a form prescribed by the Department of Consumer Protection, accompanied by an application fee of eighty dollars. Each such certificate shall expire annually and shall be renewable upon payment of a fee of two hundred dollars. If all requirements of chapter 396 of the general statutes are met, the board shall authorize the department to issue to such corporation or limited liability company a certificate of registration within thirty days after such application, provided the

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board may refuse to authorize the issuance of a certificate if any facts exist which would entitle the board to suspend or revoke an existing certificate of registration.

(c) Each such corporation or limited liability company shall file with the board a designation of an individual or individuals licensed to engage in the practice of landscape architecture in this state who shall be in charge of landscape architecture by such corporation or limited liability company in this state. Such corporation or limited liability company shall notify the board of any change in such designation within thirty days after such change becomes effective.

(d) All final plans, drawings, specifications, reports or other documents involving the practice of landscape architecture which are prepared or approved by any such corporation or limited liability company or landscape architect for use of or for delivery to any person or for public record within this state shall be dated and bear the signature and seal of the landscape architect who prepared them or under whose supervision they were prepared.

(e) No corporation or limited liability company shall be relieved of responsibility for the conduct or acts of its agents, employees or officers by reason of its compliance with the provisions of this section, nor shall any individual practicing landscape architecture be relieved of responsibility for landscape architecture services performed by reason of such individual's employment or relationship with such corporation or limited liability company.

Sec. 3. Subsection (a) of section 20-341 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) Any person who wilfully engages in or practices the work or occupation for which a license is required by this chapter without

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having first obtained an apprentice permit or a certificate and license for such work, or who wilfully employs or supplies for employment a person who does not have a certificate and license for such work, or who wilfully and falsely pretends to qualify to engage in or practice such work or occupation, including, but not limited to, offering to perform such work in any print, electronic, television or radio advertising or listing when such person does not hold a license for such work as required by this chapter, or who wilfully engages in or practices any of the work or occupations for which a license is required by this chapter after the expiration of such person's license, shall be guilty of a class B misdemeanor, provided no criminal charges shall be instituted against such person pursuant to this subsection unless the work activity in question is reviewed by the Commissioner of Consumer Protection, or the commissioner's authorized agent, and the commissioner or such agent specifically determines, in writing, that such work activity requires a license and is not the subject of a bona fide dispute between persons engaged in any trade or craft, whether licensed or unlicensed. Notwithstanding the provisions of subsection (d) or (e) of section 53a-29 and subsection (d) of section 54-56e, if the court determines that such person cannot fully repay any victims of such person within the period of probation established in subsection (d) or (e) of section 53a-29 or subsection (d) of section 54-56e, the court may impose probation for a period of not more than five years. The penalty provided in this subsection shall be in addition to any other penalties and remedies available under this chapter or chapter 416.

Sec. 4. Subsection (a) of section 20-334 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) No person shall engage in, practice or offer to perform the work of any occupation subject to this chapter in this state, including offering to perform such work in any print, electronic, television or

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radio advertising or listing, unless such person has first obtained a license as provided in section 20-333, or possesses a card of registration from the Labor Department or the board and is subject to all of the regulations adopted under this chapter for the purpose of governing apprenticeship training, or has been issued a license for such particular work under this chapter prior to July 6, 1967.

Sec. 5. (NEW) (*Effective January 1, 2012*) (a) Any person currently holding a license issued by the Department of Consumer Protection pursuant to title 20 of the general statutes who has attained the age of sixty-five may renew his or her license as a retirement status license pursuant to subsections (b) to (d), inclusive, of this section.

(b) An applicant for a retirement status license shall submit his or her original license to the Department of Consumer Protection, along with a letter of request for such classification. The letter shall contain a statement expressing the licensee's current retirement status and the acceptance of a restriction on the retirement status license prohibiting the applicant from actively engaging in the practice of the occupation or trade for which a license was originally issued.

(c) A licensee issued a retirement status license shall not practice or offer to practice the occupation or trade for which a license was originally issued.

(d) If the Department of Consumer Protection issues a retirement status license pursuant to this section, it shall return the original license submitted pursuant to subsection (b) of this section to the applicant. Such original license shall bear a designation or be stamped "Retired".

(e) The fee for a retirement status license shall be twenty dollars.

(f) A licensee issued a retirement status license may restore such licensee's original license by submitting a form, to be provided by the

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Department of Consumer Protection, requesting reinstatement and by paying the current annual fee for such license.

(g) The Commissioner of Consumer Protection may, for good cause shown, grant a retirement status license to a person who does not meet the requirements of subsection (a) of this section.

Approved July 8, 2011