



# House of Representatives

**File No. 623**

General Assembly

February Session, 2012

**(Reprint of File No. 91)**

Substitute House Bill No. 5054  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 3, 2012

***AN ACT MAKING MINOR AND TECHNICAL CHANGES TO  
DEPARTMENT OF CONSUMER PROTECTION STATUTES.***

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

1 Section 1. Section 30-7 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 Every regulation made by the Department of Consumer Protection  
4 under the authority of this chapter shall be furnished to each permittee  
5 upon request. The department shall biennially, on or before July first in  
6 the odd-numbered years, publish in convenient pamphlet form all  
7 regulations then in force and shall furnish upon request copies of such  
8 pamphlets to every permittee authorized under the provisions of this  
9 chapter to manufacture or sell alcoholic liquor and to such other  
10 persons as desire such pamphlets. The posting of such regulations on  
11 the department's Internet web site shall constitute compliance with the  
12 requirements of this section.

13 Sec. 2. Section 12-563 of the 2012 supplement to the general statutes  
14 is repealed and the following is substituted in lieu thereof (*Effective*

15 *from passage*):

16 All regulations of the department shall be adopted in the manner  
17 provided in chapter 54. The commissioner shall, at least annually, on  
18 or before December thirty-first of each year, publish in convenient  
19 pamphlet form all regulations then in force and shall furnish copies of  
20 such pamphlets to such persons who desire such pamphlets. The  
21 posting of such regulations on the department's Internet web site shall  
22 constitute compliance with the requirements of this section.

23 Sec. 3. Subsection (a) of section 20-332 of the 2012 supplement to the  
24 general statutes is repealed and the following is substituted in lieu  
25 thereof (*Effective from passage*):

26 (a) Each examining board established under section 20-331 shall  
27 have a seal and its members may administer oaths in the performance  
28 of their duties. Each board shall keep a record of its proceedings and a  
29 complete roster of all persons licensed or registered by it and entitled  
30 to practice the occupation within the board's jurisdiction in this state.  
31 Each board shall biennially furnish a copy of such roster to each town  
32 clerk and shall notify such clerk of any deletions from such roster  
33 within five days of such deletion. The posting of such roster and  
34 deletions on the Department of Consumer Protection's Internet web  
35 site shall constitute compliance with the requirements of this section.

36 Sec. 4. Section 20-377p of the general statutes is repealed and the  
37 following is substituted in lieu thereof (*Effective from passage*):

38 A certificate of registration as an interior designer shall be evidence  
39 that the person named in the certificate is entitled to the rights and  
40 privileges of a registered interior designer while such certificate  
41 remains in effect. The commissioner shall keep a roster of the names  
42 and addresses of all registered interior designers, all architects licensed  
43 in accordance with the provisions of chapter 390 and of such other  
44 information as the commissioner may by regulation require. Annually,  
45 during the month of September, the commissioner shall place such  
46 roster on file with the Secretary of the State and with the building

47 department and library of each town. The commissioner shall maintain  
48 an index and record of each certificate of registration. A certificate shall  
49 remain in effect until revoked or suspended as provided in section 20-  
50 377s. The posting of such roster on the Department of Consumer  
51 Protection's Internet web site shall constitute compliance with the  
52 requirements of this section.

53 Sec. 5. Subsection (f) of section 25-129 of the general statutes is  
54 repealed and the following is substituted in lieu thereof (*Effective from*  
55 *passage*):

56 (f) The department shall prepare a roster of all registered well  
57 drillers and distribute it annually to the local director of health or his  
58 agent and the building inspector, if there is one, of each town. The  
59 posting of such roster on the Department of Consumer Protection's  
60 Internet web site shall constitute compliance with the requirements of  
61 this section.

62 Sec. 6. Subsection (a) of section 43-3 of the general statutes is  
63 repealed and the following is substituted in lieu thereof (*Effective from*  
64 *passage*):

65 (a) The Commissioner of Consumer Protection shall be state  
66 Commissioner of Weights and Measures. The commissioner may  
67 appoint inspectors of weights and measures, with all the powers  
68 incident to that office, when directed so to act by the commissioner.  
69 Said commissioner shall take charge of the standards adopted, under  
70 the provisions of section 43-2, as the standards of the state, and cause  
71 them to be kept in a fire-proof building belonging to the state, or in a  
72 suitable place in his office, from which they shall not be removed  
73 except for repairs or for certification, and he shall take all other  
74 necessary precautions for their safekeeping. He shall maintain the state  
75 standards in good order and shall provide for their certification as  
76 prescribed by the National Institute of Standards and Technology at  
77 least once in ten years. He shall, at least once in two years, test by the  
78 state standards all standard weights, measures and other apparatus

79 which belong to any municipality and shall seal such apparatus as is  
80 found to be accurate, by stamping thereon, with seals kept for that  
81 purpose, the letter "C" and the last two figures of the year of  
82 certification. He shall have general supervision of the weights,  
83 measures and weighing and measuring devices sold, offered for sale or  
84 used in the state. He, or the inspectors by his direction, shall, at least  
85 once in each year, test all scales, weights and measures used in  
86 checking the receipt or disbursement of supplies in each institution for  
87 the maintenance of which moneys are appropriated by the General  
88 Assembly, and he shall [report, in writing,] maintain a record of his  
89 findings and make such record available to the supervisory board and  
90 to the executive officer of the institution concerned, and, at the request  
91 of such board or executive officer, he shall appoint, in writing, one or  
92 more employees, in the service of each institution, who shall act as  
93 special deputies for the purpose of checking the receipt or  
94 disbursement of supplies. He shall keep a complete record of the  
95 standards, balances and other apparatus belonging to the state, and  
96 take a receipt for the same from his successor in office. He, or the  
97 inspectors at his direction, shall, at least once in two years, inspect the  
98 work of the local sealers throughout the state and shall have power to  
99 inspect and ascertain the correctness of all weights, scales, beams,  
100 measures, instruments or mechanical devices for measuring, and tools,  
101 appliances or accessories connected with any such instruments or  
102 measures kept, offered or exposed for sale, sold, used or employed by  
103 any proprietor, agent, lessee or employee in proving the size, quantity,  
104 extent, area or measurement of quantities, things, produce or articles  
105 for distribution or consumption, offered or submitted by such person  
106 or persons for sale, hire or reward; and shall, from time to time, weigh  
107 or measure packages or amounts of commodities of any kind kept for  
108 the purpose of sale, offered for sale or sold, or in the process of  
109 delivery, in order to determine whether the same contain the amounts  
110 represented, and whether they are offered for sale or sold in  
111 accordance with law. They may, in the performance of their official  
112 duties, enter, without warrant, into or upon any stand, place, building  
113 or other premises, or stop any vendor, peddler, junk dealer or driver of

114 any vehicle transporting or containing coal, coke, ice or other  
115 commodity, or any dealer, and require him to proceed to some place  
116 which they may specify, for the purpose of making tests. Said  
117 commissioner or the inspectors may seal any such weighing or  
118 measuring instrument or apparatus which is found to be correct and  
119 may seize and destroy any incorrect weight, measure or weighing or  
120 measuring instrument. The commissioner shall issue, from time to  
121 time, regulations prescribing specifications and tolerances for  
122 commercial weights and measures and weighing and measuring  
123 devices and regulations for the guidance of municipal sealers, which  
124 regulations shall govern the procedure to be followed by such officers  
125 in the discharge of their duties. The commissioner may by regulation  
126 exempt specific duties and restrict specific powers of the municipal  
127 sealers appointed under the provisions of section 43-6 thereby  
128 reserving exclusively to the commissioner within the municipality the  
129 duties exempted and powers restricted. The commissioner may adopt  
130 regulations, in accordance with the provisions of chapter 54,  
131 prescribing fees to be charged for any calibration services performed  
132 by the Department of Consumer Protection, provided no fee shall be  
133 charged for services provided in accordance with the provisions of  
134 section 43-50 for those registrants residing in and having a business  
135 location in this state. Whenever any municipality required by section  
136 43-6 to appoint a sealer of weights and measures fails to do so or when  
137 a municipal sealer appointed under the provisions of said section fails  
138 or neglects to perform his duties, the Commissioner of Weights and  
139 Measures may direct his inspectors to perform such duties and the  
140 clerk or comptroller of such municipality shall, upon notification and  
141 request by the Commissioner of Weights and Measures, reimburse the  
142 state for the cost of such services rendered.

143 Sec. 7. Subsections (l) and (m) of section 12-575 of the general  
144 statutes are repealed and the following is substituted in lieu thereof  
145 (*Effective from passage*):

146 [(l) The commissioner shall, on or before the tenth day of each  
147 month, prepare and file with the Treasurer a full and complete

148 statement of the department's receipts from all sources and shall turn  
149 over to the Treasurer all moneys in the department's possession.]

150 [(m)] (l) (1) The commissioner shall pay each municipality in which  
151 a horse race track is located, one-quarter of one per cent of the total  
152 money wagered on horse racing events at such race track, except the  
153 commissioner shall pay each such municipality having a population in  
154 excess of fifty thousand one per cent of the total money wagered at  
155 such horse racing events in such municipality. The commissioner shall  
156 pay each municipality in which a jai alai fronton or dog race track is  
157 located one-half of one per cent of the total money wagered on jai alai  
158 games or dog racing events at such fronton or dog race track, except  
159 the commissioner shall pay each such municipality having a  
160 population in excess of fifty thousand one per cent of the total money  
161 wagered on jai alai games or dog racing events at such fronton or dog  
162 race track located in such municipality. The commissioner shall pay  
163 each municipality in which an off-track betting facility is located one  
164 and three-fifths per cent of the total money wagered in such facility  
165 less amounts paid as refunds or for cancellations. The commissioner  
166 shall pay to both the city of New Haven and the town of Windsor  
167 Locks an additional one-half of one per cent of the total money  
168 wagered less any amount paid as a refund or a cancellation in any  
169 facility equipped with screens for simulcasting after October 1, 1997,  
170 located within a fifteen-mile radius of facilities in New Haven and  
171 Windsor Locks. Payment shall be made not less than four times a year  
172 and not more than twelve times a year as determined by the  
173 commissioner, and shall be made from the tax imposed pursuant to  
174 subsection (d) of this section for horse racing, subsection (e) of this  
175 section for dog racing, subsection (f) of this section for jai alai games  
176 and subsection (g) of this section for off-track betting. (2) If, for any  
177 calendar year after the surrender of a license to conduct jai alai events  
178 by any person or business organization pursuant to subsection (c) of  
179 section 12-574c and prior to the opening of any dog race track by such  
180 person or business organization, any other person or business  
181 organization licensed to conduct jai alai events is authorized to

182 conduct a number of performances greater than the number  
183 authorized for such licensee in the previous calendar year, the  
184 commissioner shall pay the municipality in which the jai alai fronton  
185 for which such license was surrendered was located, rather than the  
186 municipality in which the jai alai fronton conducting the increased  
187 performances is located, one-half of one per cent of the total money  
188 wagered on jai alai games for such increased performances at the  
189 fronton which conducted the additional performances, except the  
190 commissioner shall pay each such municipality having a population in  
191 excess of fifty thousand one per cent of the total money wagered on jai  
192 alai games for such increased performances at such fronton. (3) During  
193 any state fiscal year ending on or after June 30, 1993, the commissioner  
194 shall pay each municipality in which a dog race track was operating  
195 prior to July 5, 1991, one per cent of the total money wagered on dog  
196 racing events at such dog race track. (4) During the state fiscal year  
197 ending June 30, 2001, each municipality in which a dog race track was  
198 operating prior to July 5, 1991, shall pay the Northeast Connecticut  
199 Economic Alliance, Inc. two-tenths of one per cent of the total money  
200 wagered on dog racing events at any dog race track operating prior to  
201 July 5, 1991. (5) In the event a licensee incurs a loss from the operation  
202 of a pari-mutuel facility, as determined by the commissioner, the  
203 legislative body of the city or town in which such facility is located  
204 may direct the commissioner to credit or rebate all or a part of the  
205 revenue otherwise due to the municipality back to the facility. In no  
206 case shall such credit and such reimbursement exceed the amount of  
207 the licensee's loss, and in no fiscal year shall these provisions affect the  
208 total fees paid to the state by the authorized operator of the off-track  
209 betting system on its off-track betting activities.

210 Sec. 8. Section 7-173 of the 2012 supplement to the general statutes is  
211 repealed and the following is substituted in lieu thereof (*Effective from*  
212 *passage*):

213 Any organization desiring to operate a bazaar or raffle in a  
214 municipality which has adopted the provisions of sections 7-170 to 7-  
215 186, inclusive, shall make application in duplicate, duly executed and

216 verified, to the chief of police of any municipality having a police  
217 department or to the chief executive officer of any town in which there  
218 is no police department, on a form to be prescribed by the  
219 Commissioner of Consumer Protection, in which shall be stated (a) the  
220 name and address of the applicant; (b) facts relating to its  
221 incorporation or organization; (c) the names, titles and addresses of its  
222 officers; (d) the kind of bazaar or raffle intended to be held, operated  
223 and conducted by the applicant; (e) the place where such bazaar or  
224 raffle is intended to be conducted by the applicant under the permit  
225 applied for; (f) the date or dates and the time or times when such  
226 bazaar or raffle is intended to be conducted by the applicant under the  
227 permit applied for; (g) in the case of a raffle, the number and price of  
228 tickets intended to be sold; (h) the items of expense intended to be  
229 incurred or paid in connection with the holding, operating and  
230 conducting of such bazaar or raffle and the names and addresses of the  
231 persons to whom, and the purposes for which, they are to be paid; (i)  
232 the items of merchandise offered, the price to be paid by the  
233 organization therefor or the retail value of any prize donated, and the  
234 names and addresses of the persons from whom purchased or by  
235 whom donated; (j) the specific purposes to which the entire net  
236 proceeds of such bazaar or raffle are to be devoted and in what  
237 manner; and (k) any other information which the commissioner  
238 reasonably requires for the protection of the public. In each application  
239 there shall be designated three active members of the applicant under  
240 whom the bazaar or raffle described in the application is to be held,  
241 operated and conducted and to the application shall be appended a  
242 statement signed, under penalty of false statement, by such members  
243 so designated that they are [electors of the municipality in which the  
244 permit is sought] residents of the state and will be responsible for the  
245 holding, operation and conduct of such bazaar or raffle in accordance  
246 with the terms of the permit and the provisions of said sections, and  
247 that the statements contained in the application are, to the best of their  
248 knowledge and belief, true. Such chief of police or chief executive  
249 officer, as the case may be, shall, at least five business days prior to the  
250 date of such bazaar or raffle, forward the original copy of such

251 application to said commissioner who shall review such application to  
252 determine whether the applicant is qualified to hold, operate and  
253 conduct a bazaar or raffle under the provisions of sections 7-170 to 7-  
254 186, inclusive, or any regulations adopted pursuant thereto, and  
255 whether other requirements in said statutes and regulations have been  
256 satisfied. For the purposes of applying for a "Class No. 7" permit,  
257 authorized pursuant to section 7-175, the application required  
258 pursuant to this section shall be made to the Commissioner of  
259 Consumer Protection.

260 Sec. 9. Section 21a-190b of the general statutes is repealed and the  
261 following is substituted in lieu thereof (*Effective from passage*):

262 (a) Every charitable organization not exempted by section 21a-190d  
263 shall annually register with the department prior to conducting any  
264 solicitation or prior to having any solicitation conducted on its behalf  
265 by others. Application for registration shall be in a form prescribed by  
266 the commissioner and shall include payment of a fee of fifty dollars.  
267 Such application shall include: (1) A registration statement, (2) an  
268 annual financial report for such organization for the preceding fiscal  
269 year that is prepared in accordance with the provisions of subsection  
270 (a) of section 21a-190c, and (3) an audited financial statement as  
271 required by subsection (b) of said section 21a-190c. Two authorized  
272 officers of the organization shall sign the registration statement and  
273 shall certify that the statements therein are true and correct to the best  
274 of their knowledge. A chapter, branch or affiliate in this state of a  
275 registered parent organization shall not be required to register  
276 provided the parent organization files a consolidated annual  
277 registration for itself and its chapter, branch or affiliate. Each charitable  
278 organization shall annually renew its registration not later than [five]  
279 eleven months after the end of such organization's fiscal year.

280 (b) In the event the department determines that the application for  
281 registration does not contain the documents required in subsection (a)  
282 of this section or is not in accordance with the regulations adopted by  
283 the commissioner pursuant to this chapter, the department shall notify

284 the charitable organization of such noncompliance not later than ten  
285 days after the department's receipt of such application for registration.  
286 An application for registration shall be deemed to be approved if the  
287 charitable organization is not notified of noncompliance by the  
288 department not later than ten days after the department's receipt of the  
289 application for registration. Any such charitable organization may  
290 request a hearing on its noncompliant status not later than seven days  
291 after receipt of such noncompliance notice. Such hearing shall be held  
292 not later than seven days after the department's receipt of such request  
293 and a determination as to the organization's compliance status shall be  
294 rendered no later than three days after such hearing.

295 (c) In addition to the application fee required pursuant to subsection  
296 (a) of this section, a charitable organization shall pay a late fee of  
297 twenty-five dollars for each month, or part thereof, that such  
298 application for registration is late. [ except that such late fee shall not  
299 include any month during which an extension of time was granted  
300 pursuant to subsection (d) of this section.] The commissioner may,  
301 upon written request and for good cause shown, waive or reduce any  
302 late fee under this section.

303 [(d) The commissioner may, for good cause shown, grant an  
304 extension of time, not to exceed six months from the date the report  
305 was due, for the filing of a charitable organization's annual financial  
306 report. Any previous registration shall remain in effect during any  
307 such extension period.]

308 [(e)] (d) In the event that a charitable organization fails to register in  
309 accordance with the provisions of this section, such organization shall  
310 include in its application for registration an annual financial report for  
311 each of the previous years in which such organization was required to  
312 file an application for registration or an annual financial report.

313 [(f)] (e) Any charitable organization registered in accordance with  
314 this section on September 30, 2005, shall be deemed to be registered  
315 pursuant to this section until the last day of the fifth month after the

316 close of the fiscal year in effect on September 30, 2005.

317 Sec. 10. Subsection (f) of section 20-314 of the general statutes is  
318 repealed and the following is substituted in lieu thereof (*Effective from*  
319 *passage*):

320 (f) All licenses issued under the provisions of this chapter shall  
321 expire annually. At the time of application for a real estate broker's  
322 license, there shall be paid to the commission, for each individual  
323 applicant and for each proposed active member or officer of a firm,  
324 partnership, association or corporation, the sum of five hundred sixty-  
325 five dollars, and for the annual renewal thereof, the sum of three  
326 hundred seventy-five dollars and for a real estate salesperson's license  
327 two hundred eighty-five dollars and for the annual renewal thereof the  
328 sum of two hundred eighty-five dollars. Three dollars of each such  
329 annual renewal fee shall be payable to the Real Estate Guaranty Fund  
330 established pursuant to section 20-324a. If a license is not issued, the  
331 fee shall be returned. A real estate broker's license issued to any  
332 partnership, association or corporation shall entitle the individual  
333 designated in the application, as provided in section 20-312, upon  
334 compliance with the terms of this chapter, but without the payment of  
335 any further fee, to perform all of the acts of a real estate broker under  
336 this chapter on behalf of such partnership, association or corporation.  
337 Any license which expires and is not renewed pursuant to this  
338 subsection may be reinstated by the commission, if, not later than two  
339 years after the date of expiration, the former licensee pays to the  
340 commission for each real estate broker's license the sum of three  
341 hundred seventy-five dollars and for each real estate salesperson's  
342 license the sum of two hundred eighty-five dollars for each year or  
343 fraction thereof from the date of expiration of the previous license to  
344 the date of payment for reinstatement, except that any licensee whose  
345 license expired after such licensee entered military service shall be  
346 reinstated without payment of any fee if an application for  
347 reinstatement is filed with the commission within two years after the  
348 date of expiration. Any such reinstated license shall expire on the next  
349 succeeding [April thirtieth] March thirty-first for real estate brokers or

350 the next succeeding May thirty-first for real estate salespersons.

351 Sec. 11. Subsection (e) of section 20-417b of the general statutes is  
352 repealed and the following is substituted in lieu thereof (*Effective from*  
353 *passage*):

354 (e) [A certificate shall not be restored unless it is renewed not later  
355 than one year after its expiration.] All certificates issued under the  
356 provisions of this chapter shall expire biennially. The fee for renewal of  
357 a certificate shall be the same as the fee charged for the original  
358 application.

359 Sec. 12. Subsection (g) of section 20-432 of the general statutes is  
360 repealed and the following is substituted in lieu thereof (*Effective from*  
361 *passage*):

362 (g) Before the commissioner shall issue any order directing payment  
363 out of the guaranty fund to an owner pursuant to subsections (e) or (f)  
364 of this section, the commissioner shall first notify the contractor of the  
365 owner's application for an order directing payment out of the guaranty  
366 fund and of the contractor's right to a hearing to contest the  
367 disbursement in the event that the contractor has already paid the  
368 owner or is complying with a payment schedule in accordance with a  
369 court judgment. Such notice shall be given to the contractor within  
370 fifteen days of the receipt by the commissioner of the owner's  
371 application for an order directing payment out of the guaranty fund. If  
372 the contractor requests a hearing in writing by certified mail within  
373 fifteen days of receipt of the notice from the commissioner, the  
374 commissioner shall grant such request and shall conduct a hearing in  
375 accordance with the provisions of chapter 54. If the commissioner  
376 receives no written request by certified mail from the contractor for a  
377 hearing within fifteen days of the contractor's receipt of such notice,  
378 the commissioner shall determine that the owner has not been paid,  
379 and the commissioner shall issue an order directing payment out of the  
380 guaranty fund for the amount unpaid upon the judgment for actual  
381 damages and costs taxed by the court against the contractor, exclusive

382 of punitive damages, or for the amount unpaid upon the order of  
383 restitution.

384 Sec. 13. Subsection (a) of section 42-310 of the general statutes is  
385 repealed and the following is substituted in lieu thereof (*Effective from*  
386 *passage*):

387 (a) As used in this section:

388 (1) "Buying club" means any partnership, corporation, limited  
389 liability company, association, trust, or any other legal entity that  
390 offers memberships to consumers for a fee whereby such consumers  
391 may purchase consumer goods or services from such entity either  
392 exclusively from a catalog or whose membership fee is two hundred  
393 dollars or greater;

394 (2) "Consumer" means any person who purchases a consumer good  
395 other than for resale;

396 (3) "Consumer [goods] goods or services" means goods or services  
397 purchased or leased primarily for personal, family, leisure,  
398 entertainment or household purposes.

399 Sec. 14. Section 20-419 of the general statutes is repealed and the  
400 following is substituted in lieu thereof (*Effective from passage*):

401 As used in this chapter, unless the context otherwise requires:

402 (1) "Certificate" means a certificate of registration issued under  
403 section 20-422.

404 (2) "Commissioner" means the Commissioner of Consumer  
405 Protection or any person designated by the commissioner to  
406 administer and enforce this chapter.

407 (3) "Contractor" means any person who owns and operates a home  
408 improvement business or who undertakes, offers to undertake or  
409 agrees to perform any home improvement. "Contractor" does not

410 include a person for whom the total [cash] price of all of his home  
411 improvement contracts with all of his customers does not exceed one  
412 thousand dollars during any period of twelve consecutive months.

413 (4) "Home improvement" includes, but is not limited to, the repair,  
414 replacement, remodeling, alteration, conversion, modernization,  
415 improvement, rehabilitation or sandblasting of, or addition to any land  
416 or building or that portion thereof which is used or designed to be  
417 used as a private residence, dwelling place or residential rental  
418 property, or the construction, replacement, installation or  
419 improvement of driveways, swimming pools, porches, garages, roofs,  
420 siding, insulation, sunrooms, flooring, patios, landscaping, fences,  
421 doors and windows and waterproofing in connection with such land  
422 or building or that portion thereof which is used or designed to be  
423 used as a private residence, dwelling place or residential rental  
424 property or the removal or replacement of a residential underground  
425 heating oil storage tank system, in which the total [cash] price for all  
426 work agreed upon between the contractor and owner or proposed or  
427 offered by the contractor exceeds [two] five hundred dollars. "Home  
428 improvement" does not include: (A) The construction of a new home;  
429 (B) the sale of goods by a seller who neither arranges to perform nor  
430 performs, directly or indirectly, any work or labor in connection with  
431 the installation or application of the goods or materials; (C) the sale of  
432 goods or services furnished for commercial or business use or for  
433 resale, provided commercial or business use does not include use as  
434 residential rental property; (D) the sale of appliances, such as stoves,  
435 refrigerators, freezers, room air conditioners and others which are  
436 designed for and are easily removable from the premises without  
437 material alteration thereof; and (E) any work performed without  
438 compensation by the owner on his own private residence or residential  
439 rental property.

440 (5) "Home improvement contract" means an agreement between a  
441 contractor and an owner for the performance of a home improvement.

442 (6) "Owner" means a person who owns or resides in a private

443 residence and includes any agent thereof. An owner of a private  
444 residence shall not be required to reside in such residence to be  
445 deemed an owner under this subdivision.

446 (7) "Person" means an individual, partnership, limited liability  
447 company or corporation.

448 (8) "Private residence" means a single family dwelling, a multifamily  
449 dwelling consisting of not more than six units, or a unit, common  
450 element or limited common element in a condominium, as defined in  
451 section 47-68a, or in a common interest community, as defined in  
452 section 47-202.

453 (9) "Salesman" means any individual who (A) negotiates or offers to  
454 negotiate a home improvement contract with an owner or (B) solicits  
455 or otherwise endeavors to procure by any means whatsoever, directly  
456 or indirectly, a home improvement contract from an owner on behalf  
457 of a contractor.

458 (10) "Residential rental property" means a single family dwelling, a  
459 multifamily dwelling consisting of not more than six units, or a unit,  
460 common element or limited common element in a condominium, as  
461 defined in section 47-68a, or in a common interest community, as  
462 defined in section 47-202, which is not owner-occupied.

463 (11) "Residential underground heating oil storage tank system"  
464 means an underground storage tank system used with or without  
465 ancillary components in connection with real property composed of  
466 four or less residential units.

467 (12) "Underground storage tank system" means an underground  
468 tank or combination of tanks, with any underground pipes or ancillary  
469 equipment or containment systems connected to such tank or tanks,  
470 used to contain an accumulation of petroleum, which volume is ten  
471 per cent or more beneath the surface of the ground.

472 Sec. 15. Section 20-512 of the general statutes is repealed and the

473 following is substituted in lieu thereof (*Effective from passage*):

474 The Commissioner of Consumer Protection, with the advice and  
475 assistance of the commission, may adopt such reasonable regulations,  
476 in accordance with chapter 54, as the commissioner may deem  
477 necessary relating to the approval of schools offering courses in real  
478 estate appraisal principles and practice and related subjects, the  
479 content of such courses or programs and the advertising to the public  
480 of the services of such schools. Such regulations [shall not] may require  
481 approval of instructors at such schools.

482 Sec. 16. Subsection (a) of section 20-334a of the general statutes is  
483 repealed and the following is substituted in lieu thereof (*Effective from*  
484 *passage*):

485 (a) Except as otherwise provided in this section, the following  
486 licenses may be issued by the Department of Consumer Protection,  
487 upon authorization of the boards, under the provisions of section 20-  
488 333:

489 (1) (A) An unlimited contractor's license may be issued to a person  
490 who has served as a journeyman in the trade for which such person  
491 seeks a license for not less than two years and, if such service as a  
492 journeyman was outside this state, has furnished evidence satisfactory  
493 to the appropriate state board that such service is comparable to  
494 similar service in this state, or has furnished satisfactory evidence of  
495 education and experience and has passed an examination which has  
496 demonstrated that such person is competent in all aspects of such  
497 trade to be an unlimited contractor. (B) A limited contractor's license  
498 may be issued to a person who fulfills the requirements of  
499 subparagraph (A) of this subdivision as to a specific area or areas  
500 within the trade for which such person seeks a license. (C) The holder  
501 of an unlimited or a limited contractor's license may, within the trade,  
502 or the area or areas of the trade, for which such holder has been  
503 licensed, furnish supplies and do layout, installation, repair and  
504 maintenance work and distribute and handle materials, provided

505 nothing in this subdivision shall be construed to authorize the  
506 performance of any action for which licensure is required under the  
507 provisions of chapter 390 or 391. Such licensee shall furnish the board  
508 with evidence that such licensee will comply with all state  
509 requirements pertaining to workers' compensation and unemployment  
510 insurance and that such evidence shall be available to any properly  
511 interested person prior to the issuance of a license under this  
512 subdivision.

513 (2) (A) An unlimited journeyman's license may be issued to any  
514 person who has completed a bona fide apprenticeship program,  
515 including not less than four years' experience in the trade for which  
516 such person seeks a license, and has demonstrated such person's  
517 competency to perform all services included in the trade for which a  
518 license is sought by successfully completing the applicable state  
519 licensure examination. (B) A limited journeyman's license may be  
520 issued to a person who fulfills the requirements of subparagraph (A) of  
521 this subdivision in a specific area or areas of the trade for which such  
522 person seeks a license, provided the length of experience required may  
523 be less than four years for such area or areas of the trade.

524 [(3) (A) An elevator craftsman's license may be issued to any person  
525 who has completed an apprenticeship program, has at least two years'  
526 experience in elevator installation, repair and maintenance work and  
527 has demonstrated such person's competency to perform such work. (B)  
528 An elevator helper's license may be issued for the performance of  
529 elevator maintenance under the supervision of an elevator craftsman.]

530 [(4)] (3) An apprentice's permit may be issued for the performance  
531 of work in a trade licensed under the provisions of this chapter, for the  
532 purpose of training, which work may be performed only under the  
533 supervision of a licensed contractor, journeyman or elevator craftsman.

534 [(5)] (4) An apprentice permit shall expire upon the failure of the  
535 apprentice holding such permit to apply for the first licensure  
536 examination given by the department following completion of an

537 apprentice training program as provided in subdivision (2) of this  
538 subsection.

539 Sec. 17. Section 20-335 of the 2012 supplement to the general statutes  
540 is repealed and the following is substituted in lieu thereof (*Effective*  
541 *from passage*):

542 Any person who has successfully completed an examination for  
543 such person's initial license under this chapter shall pay to the  
544 Department of Consumer Protection a fee of one hundred fifty dollars  
545 for a contractor's license or a fee of one hundred twenty dollars for any  
546 other such license. All such licenses shall expire annually. No person  
547 shall carry on or engage in the work or occupations subject to this  
548 chapter after the expiration of such person's license until such person  
549 has filed an application bearing the date of such person's registration  
550 card with the appropriate board. Such application shall be in writing,  
551 addressed to the secretary of the board from which such renewal is  
552 sought and signed by the person applying for such renewal. A licensee  
553 applying for renewal shall, at such times as the commissioner shall by  
554 regulation prescribe, furnish evidence satisfactory to the board that the  
555 licensee has completed any continuing professional education required  
556 under sections 20-330 to 20-341, inclusive, or any regulations adopted  
557 thereunder. The board may renew such license if the application for  
558 such renewal is received by the board no later than one month after the  
559 date of expiration of such license, upon payment to the department of  
560 a renewal fee of one hundred fifty dollars in the case of a contractor  
561 and of one hundred twenty dollars for any other such license. For any  
562 completed renewal application submitted pursuant to this section that  
563 requires a hearing or other action by the applicable examining board,  
564 such hearing or other action by the applicable examining board shall  
565 occur not later than thirty days after the date of submission for such  
566 completed renewal application. The department shall issue a receipt  
567 stating the fact of such payment, which receipt shall be a license to  
568 engage in such work or occupation. A licensee who has failed to renew  
569 such licensee's license for a period of over [one year] two years from  
570 the date of expiration of such license shall have it reinstated only upon

571 complying with the requirements of section 20-333. All license fees and  
572 renewal fees paid to the department pursuant to this section shall be  
573 deposited in the General Fund.

574 Sec. 18. Subsection (d) of section 20-355 of the general statutes is  
575 repealed and the following is substituted in lieu thereof (*Effective from*  
576 *passage*):

577 (d) All licenses issued under this chapter shall expire annually. If a  
578 licensee has failed to renew his license within [one year] two years  
579 after its expiration, his application for renewal shall be considered as a  
580 new application under section 20-350.

581 Sec. 19. Subsection (c) of section 20-349 of the general statutes is  
582 repealed and the following is substituted in lieu thereof (*Effective from*  
583 *passage*):

584 (c) Any person desiring to be licensed under this chapter shall apply  
585 to the board in writing, on forms which the Department of Consumer  
586 Protection shall provide, stating: (1) Such person's name, residence  
587 address and business address; (2) a brief description of his  
588 qualifications, including the length and nature of his experience; (3) in  
589 the case of an apprentice, the name of his employer or supervisor; and  
590 (4) such other information as the department may require. Each  
591 application for a license as a service dealer shall be accompanied by a  
592 fee of two hundred dollars. Each application for a license as a licensed  
593 electronics technician, licensed antenna technician or licensed radio  
594 electronics technician shall be accompanied by a fee of eighty dollars.  
595 Each application for a permit as an apprentice shall be accompanied by  
596 a fee of forty dollars. If a service dealer as an individual is a licensed  
597 electronics technician or licensed radio electronics technician, only one  
598 license fee shall be charged in the amount of two hundred dollars. [On  
599 receipt of an application under the provisions of this section, the board  
600 may, for an additional fee of forty dollars, authorize the department to  
601 issue a temporary permit which will allow the applicant to serve in the  
602 capacity for which he seeks licensure until the next examination for

603 such license, provided only one such temporary permit shall be issued  
604 to such applicant.] All such fees shall be paid to the department.

605 Sec. 20. Subsection (b) of section 21a-4 of the general statutes is  
606 repealed and the following is substituted in lieu thereof (*Effective from*  
607 *passage*):

608 (b) The Commissioner of Consumer Protection may impose a fine of  
609 twenty dollars on any applicant for a permit or license issued by the  
610 Commissioner of Consumer Protection who issues to the  
611 commissioner a check drawn on the account of such applicant in  
612 payment of a permit or license fee and whose check is returned to the  
613 Department of Consumer Protection as uncollectible. In addition, the  
614 commissioner may require the applicant to pay to the department any  
615 fees charged by a financial institution to the department as a result of  
616 such returned check.

617 Sec. 21. Subsection (b) of section 21-33b of the general statutes is  
618 repealed and the following is substituted in lieu thereof (*Effective from*  
619 *passage*):

620 (b) Any itinerant vendor or managing itinerant vendor who receives  
621 a license pursuant to section 21-28, shall pay a fee of [one] two  
622 hundred dollars annually to the guaranty fund. Such fund shall be  
623 used to satisfy consumer claims against a licensed itinerant vendor or  
624 licensed managing itinerant vendor. In no event shall any payment out  
625 of said guaranty fund be in excess of five hundred dollars for any  
626 single consumer claim. No claim for payment from the guaranty fund  
627 shall be accepted by the commissioner more than six months after the  
628 date of the transaction giving rise to such claim.

629 Sec. 22. Section 42-298 of the general statutes is repealed and the  
630 following is substituted in lieu thereof (*Effective from passage*):

631 No person shall advertise, as defined in section 42-295, a game of  
632 skill where a prize with a fair market value of over two hundred  
633 dollars is awarded to a winner if participants are required to pay an

634 entry or judging fee or are solicited to purchase a good or service  
 635 designed to assist the participant in winning the game of skill  
 636 provided the participant may be required to purchase a consumer  
 637 product or service if the game of skill is designed primarily to promote  
 638 such product or service.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	30-7
Sec. 2	<i>from passage</i>	12-563
Sec. 3	<i>from passage</i>	20-332(a)
Sec. 4	<i>from passage</i>	20-377p
Sec. 5	<i>from passage</i>	25-129(f)
Sec. 6	<i>from passage</i>	43-3(a)
Sec. 7	<i>from passage</i>	12-575(l) and (m)
Sec. 8	<i>from passage</i>	7-173
Sec. 9	<i>from passage</i>	21a-190b
Sec. 10	<i>from passage</i>	20-314(f)
Sec. 11	<i>from passage</i>	20-417b(e)
Sec. 12	<i>from passage</i>	20-432(g)
Sec. 13	<i>from passage</i>	42-310(a)
Sec. 14	<i>from passage</i>	20-419
Sec. 15	<i>from passage</i>	20-512
Sec. 16	<i>from passage</i>	20-334a(a)
Sec. 17	<i>from passage</i>	20-335
Sec. 18	<i>from passage</i>	20-355(d)
Sec. 19	<i>from passage</i>	20-349(c)
Sec. 20	<i>from passage</i>	21a-4(b)
Sec. 21	<i>from passage</i>	21-33b(b)
Sec. 22	<i>from passage</i>	42-298

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:*** None

***Municipal Impact:*** None

***Explanation***

There is no fiscal impact to the Department of Consumer Protection (DCP) as the bill makes minor, clarifying and technical changes to the procedures of the DCP.

House "A" (LCO 3109) is technical and results in no fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

---

**OLR Bill Analysis****sHB 5054 (as amended by House "A")\******AN ACT MAKING MINOR AND TECHNICAL CHANGES TO DEPARTMENT OF CONSUMER PROTECTION STATUTES.*****SUMMARY:**

This bill makes various unrelated changes in the Department of Consumer Protection (DCP) statutes.

These changes affect, among other things, posting DCP regulations and rosters, permits, licenses, and fees. The bill also makes other minor and technical changes.

\*House Amendment "A" increases the threshold amount in the home improvement definition from \$200 to \$500.

EFFECTIVE DATE: Upon passage

**§§ 1-5 — ELECTRONIC POSTING**

The bill allows DCP to post certain regulations and rosters on its website to comply with its publishing and distribution requirements.

Current law requires DCP to:

1. provide the regulations to each alcohol permittee, upon request and biennially, before July 1 of odd-numbered years; publish a pamphlet with the current liquor regulations; and furnish it to any alcohol permittee that desires one;
2. at least annually, before December 31, publish a pamphlet with the current gambling regulations and provide it to anyone who desires one;

3. annually, in September, place a roster with the names and addresses of all registered interior designers and architects with the secretary of the state and with each town's building department and library; and
4. prepare a roster of all registered well drillers and annually distribute it to each town's local health director or his or her agent and the building inspector.

The law requires the boards for Electrical Work; Heating, Piping, Cooling and Sheet Metal Work; Plumbing and Piping Work; Elevator Installation, Repair and Maintenance; Fire Protection Sprinkler Systems; and Automotive Glass Work and Flat Glass Work to biennially furnish a copy of a roster with everyone licensed or registered by them to each town clerk. Each board must notify the clerk of any deletion from the roster within five days of the deletion. The bill allows DCP to fulfill these requirements by posting the rosters and deletions on its website.

#### **§ 6 — WEIGHTS AND MEASURES ELECTRONIC RECORDING**

The bill allows the DCP commissioner to maintain an electronic record, rather than a written report, of the annual test of all scales, weights, and measures used in checking the receipt or disbursement of supplies in each institution that performs these tests. It requires the record to be made available to the supervisory board and executive officer of the institution involved.

The bill also exempts registrants who reside in or have business in Connecticut from fees for calibrating testing equipment. Currently no one is charged this fee.

#### **§§ 7 AND 8 — GAMBLING STATUTES**

The bill eliminates DCP's monthly gambling reporting requirement to the state treasurer. This information is available electronically through CORE-CT.

It allows any state resident to apply for a bazaar or raffle permit.

Under current law, the applicant must be a voter in the municipality where the permit is sought.

### **§ 9 — PUBLIC CHARITIES**

The bill eliminates the DCP commissioner's authority to grant, for good cause, a six-month extension for charities to renew their registration. It instead extends the renewal registration deadline, by six months, from five to 11 months after the end of their fiscal year, thereby giving all charities the same amount of time to register.

### **§ 10 — REAL ESTATE LICENSES**

The bill changes the reinstated license expiration date from the next succeeding April 31 to (1) March 31 for real estate brokers and (2) May 31 for real estate salespersons.

### **§ 11 — NEW HOME CONSTRUCTION CONTRACTOR**

The bill allows a new home construction certificate to be renewed after its one year expiration and clarifies that it is valid for two years and has the same fee as the original application. Under current law, a certificate cannot be restored unless it is renewed within a year of its expiration.

### **§ 12 — HOME IMPROVEMENT GUARANTY FUND**

The bill requires the DCP commissioner to notify a contractor, before issuing a payment out of the Home Improvement Guaranty Fund, that his or her rights to a hearing are not forfeited while complying with a payment schedule in accordance with a court judgment.

### **§ 13 — BUYING CLUBS**

The bill extends buying club consumer protections to places that offer services, including ones that offer leisure or entertainment. By law, buying clubs must fulfill certain contract requirements, including a notice of cancellation. Under current law, a buying club is a business that offers memberships, for more than \$200, to consumers for a fee that allows them to exclusively purchase consumer goods.

**§ 14 — HOME IMPROVEMENT CONTRACTOR**

The bill amends the “home improvement” definition to include work proposed or offered by the contractor, not just work agreed upon by the contractor and owner, that exceeds \$500. Current law applies to work agreed upon that exceeds \$200.

It also makes a minor and technical change in clarifying what “price” means.

**§ 15 — REAL ESTATE APPRAISAL**

By law, the DCP commissioner may adopt regulations relating to real estate appraisal schools, but the regulations cannot require approval of school instructors. The bill allows the regulations to require instructor approval.

**§ 16 — ELEVATOR CRAFTSMAN LICENSE**

The bill eliminates the elevator craftsman license. There is no one currently holding this license.

**§§ 17 AND 18 — LICENSE EXPIRATION EXTENSION**

The bill extends, from one to two years, the time certain licensees have to reinstate their license without retaking a licensing examination.

The affected licensees are electricians; plumbers; solar, heating, piping and cooling contractors and journeymen; elevator and fire protection sprinkler craftsmen; irrigation contractors and journeymen; gas hearth installer contractors and journeymen; television and radio service dealers; and electronic technicians.

**§ 19 — RADIO AND TELEVISION**

The bill eliminates the temporary permit for television and radio service dealers. Currently a \$40 temporary permit is issued while the applicant seeks licensure.

**§ 20 — BOUNCED CHECK**

The bill allows the DCP commissioner to charge a license applicant any fees a financial institution charges because of a returned check.

**§ 21 — ITINERATE VENDERS**

The bill makes a conforming change to the Itinerate Vender Guaranty Fund, by increasing the amount vendors pay, from \$100 to \$200, to conform with the amount the Fund receives (CGS § 21-28).

**§ 22 — GAME OF SKILL ADVERTISEMENT**

The bill makes a technical change to the game of skill advertisement statute.

**COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea 17 Nay 0 (03/13/2012)

Planning and Development Committee

Joint Favorable

Yea 19 Nay 0 (04/16/2012)