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(Title page)

IMPORTANT: Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

State of Connecticut
REGULATION
of

NAME OF AGENCY
DEPARTMENT OF CONSUMER PROTECTION

Concerning

SUBJECT MATTER OF REGULATION
Swimming Pool Builders and Contractors

Section 1. The Regulations of Connecticut State Agencies are amended by adding Sections 20-341d-1 through 20-341d-3, inclusive, as follows:

(NEW) Sec. 20-340d-1. Application; documentation.

(a) Any person seeking a license as a Swimming Pool Builder shall apply to the commissioner on an application form provided by the commissioner. Such application form shall be verified under oath and shall include the applicant's:

(1) Name;
(2) Trade Name;
(3) Business Address;
(4) Such other information as the commissioner may require in determining the qualifications of an applicant.

(b) Prior to January 1, 2014, each application for licensure shall be accompanied by:

(1) References from at least one trade-related business and at least one financial institution sufficient to verify the existence of an established business;

(2): Submission of (A) satisfactory evidence that the applicant has obtained a home improvement contractor registration pursuant to the provisions of chapter 400 of the Connecticut General Statutes, or that the applicant works for an employer that has obtained a registration, and (B) a written statement that the applicant shall not build a swimming pool without holding a current home improvement contractor registration or working for an employer that holds a current registration;

(3) A certificate of good standing less than thirty (30) days old from the Secretary of the State, if the applicant is a corporation, limited liability company or limited liability partnership;

(4) A certificate of good standing from the state in which it is incorporated or organized, as well as a certificate of good standing less than thirty (30) days old from the Secretary of the State, if the applicant is a foreign corporation, limited liability company or limited liability partnership;

(5) A certified copy of a trade name certificate from the town in which the business is primarily conducted, in accordance with section 35-1 of the Connecticut General Statutes;

(6) Three current references from qualified persons attesting to the applicant's familiarity with the knowledge, skills and abilities relating to the performance of the Swimming Pool Builder services; and

(7) A list of at least seven (7) swimming pool installations completed by the applicant in the past seven (7) years; except that if the applicant has obtained the designation entitled "Certified Building Professional" from the trade association "Association of Pool & Spa Professionals"

("APSP"), or equivalent education and experience to be determined by the Commissioner, then a list of five (5) installations completed by the applicant in the past five (5) years. Each swimming pool installation listed shall contain the address of the installation, a brief description of the work performed by the applicant, and the date of completion.

(c) On or after January 1, 2014 each application for licensure shall be accompanied by:

(1) Proof of five (5) years experience under the supervision of a Licensed Swimming Pool Builder under this chapter, or equivalent experience as determined by the commissioner;

(2): Submission of 1. satisfactory evidence that the applicant has obtained a home improvement contractor registration pursuant to the provisions of chapter 400 of the Connecticut General Statutes, or that the applicant works for an employer that has obtained a registration, and 2. a written statement that the applicant shall not build a swimming pool without holding a current home improvement contractor registration or working for an employer that holds a current registration;

(3) Proof that the applicant has obtained the designation entitled "Certified Building Professional" from the trade association "Association of Pool & Spa Professionals" ("APSP"), or equivalent education and experience to be determined by the Commissioner; and

(4) Proof that the applicant has passed an examination conducted by the Department.

(NEW) Sec. 20-340d-2. Contracting standards.

Each contract with a consumer for the performance of swimming pool builder work, pursuant to section 20-340d(a) of the Connecticut General Statutes, shall be entered into by the holder of a Swimming Pool Builder license pursuant to chapter 393 of the Connecticut General Statutes who is also the holder of a Home Improvement Registration issued pursuant to Chapter 400 of the Connecticut General Statutes. The provisions of chapter 400 of the Connecticut General Statutes shall apply to all consumer contracts for swimming pool builder work.

(NEW) Sec. 20-340d-3. Continuing education.

(a) Continuing education for the Swimming Pool Builder license pursuant to chapter 393 of the Connecticut General Statutes shall consist of not less than three (3) hours of technical instruction and one (1) hour of business and law instruction, to be completed every year, or as determined by the Commissioner, as a requirement of license renewal.

(b) Providers of continuing education instruction shall obtain curriculum approval from the Department prior to offering each continuing education course for credit pursuant to chapter 393 of the Connecticut General Statutes.

Sec. 2. Section 20-417aa-1 of the Regulations of Connecticut State Agencies is amended as follows:

Sec. 20-417aa-1. Limited swimming pool contractor licenses

(a) Limited swimming pool maintenance and repair contractor's license (SP- 1). The holder of this license may perform [all plumbing, heating and electrical work necessary to service, modify or repair any swimming pool, hot tub, spa or similar recreational or therapeutic equipment] <u>swimming pool maintenance and repair work as defined in section 20-417aa of the Connecticut General Statutes,</u> where such work commences at an outlet, receptacle, connection, back flow preventor, or fuel supply pipe previously installed by a person holding the proper license. The requirements to qualify for this license exam shall be two (2) years as a properly licensed [journeyman] <u>journeyperson</u> or equivalent experience and training.

(b) Limited swimming pool maintenance and repair [journeyman's] journeyperson's license (SP-2). The holder of this license may perform [all plumbing, heating and electrical work necessary to service, modify or repair any swimming pool, hot tub, spa or similar recreational or therapeutic equipment] swimming pool maintenance and repair work as defined in section 20-417aa of the Connecticut General Statutes, where such work commences at an outlet, receptacle, connection, back flow preventor, or fuel supply pipe previously installed by a person holding the proper license and only while the licensee is in the employ of a [plumbing] contractor properly licensed [for] to perform such work. The requirements to qualify for this license exam shall be the completion of a bona fide apprenticeship program or equivalent experience and training.

Sec. 3. The Regulations of Connecticut State Agencies are amended by adding Section 20-417aa-2 as follows:

(NEW) Sec. 20-417aa-2. Continuing education.

(a) Continuing education for the limited swimming pool maintenance and repair contractor license pursuant to chapter 399b of the Connecticut General Statutes shall consist of not less than three (3) hours of technical instruction and one (1) hour of business and law instruction, to be completed every even year as a requirement of license renewal.

(b) Continuing education for the limited swimming pool maintenance and repair journeyman's license pursuant to chapter 399b of the Connecticut General Statutes shall consist of not less than three (3) hours of technical instruction every odd year as a requirement of license renewal.

(c) Providers of continuing education instruction shall obtain curriculum approval from the Department prior to offering each continuing education course for credit pursuant to chapter 399b of the Connecticut General Statutes.

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation."

(A) **Purpose:**

Section 1 of these proposed regulations implements Public Act 2011-81 (section 1), codified as Conn. Gen. Stat. section 20-340d, which created a new category of occupational trade licenses for those engaged in the installation of swimming pools. The regulation specifies the details and standards by which a person may obtain this new license from the Department of Consumer Protection, incorporates the Home Improvement Act for entering into consumer contracts, and provides for continuing education requirements.

Section 2 of the regulation incorporates the changes made by Public Acts 2008-44 and 2011-81 and minor language changes into current regulation section 20-417aa-1, related to "Swimming Pool Contractor" license types SP-1 and SP-2. These existing license categories exist pursuant to Conn. Gen. Stat. chapter 399b.

Within Section 3 of the regulation, continuing education is also added for the existing SP-1 and SP-2 license types.

(B) **Summary:** The methods for obtaining each of the new licenses for swimming pool installers are described in these proposed regulations. On or after January 1, 2014, an examination will be required to obtain licensure, and continuing education will be required to maintain licensure, similar to the other occupational trade licenses issued by the Department such as those found within chapter 393 of the Connecticut General Statutes and the corresponding regulations. The existing SP-1 and SP-2 license types are being modified to remain current with the underlying statute, as well as adding continuing education requirements and making minor tweaks.

(C) **Legal Effects:** These proposed regulations implement Section One of Public Act 2011-81 by allowing the Department of Consumer Protection to issue new trade licenses for those engaged in the installation of swimming pools. Continuing education requirements are being implemented for the "Swimming Pool Contractor" license types found within chapter 399b, along with conforming those license types to the latest version of the underlying statute, section 20-417aa.

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(Certification page—see Instructions on back)

CERTIFICATION

This certification statement must be completed in full, including items 3 and 4, if they are applicable.

1) I hereby certify that the above *(check one)* ☒ Regulations ☐ Emergency Regulations

2) are *(check all that apply)* ☒ adopted ☒ amended ☐ repealed **by this agency pursuant to the following authority(ies):** *(complete all that apply)*

a. *Connecticut General Statutes* section(s) 4-168; 20-340d; and 20-417aa.

b. Public Act Number(s) _____.
(Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)

3) And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the *Connecticut Law Journal* on _;
(Insert date of notice publication if publication was required by CGS Section 4-168.)

4) And that a public hearing regarding the proposed regulations was held on ___;
(Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)

5) And that said regulations are EFFECTIVE *(check one, and complete as applicable)*

☒ When filed with the Secretary of the State

OR ☐ on *(insert date)* _____

DATE	SIGNED *(Head of Board, Agency or Commission)*	OFFICIAL TITLE, DULY AUTHORIZED
5/6/13		Commissioner Department of Consumer Protection

***APPROVED** by the **Attorney General** as to legal sufficiency in accordance with CGS Section 4-169, as amended*

DATE	SIGNED *(Attorney General or AG's designated representative)*	OFFICIAL TITLE, DULY AUTHORIZED
6/12/13	Joseph Rubin	ASSOC. ATTY. GENERAL

*Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.*

(For Regulation Review Committee Use ONLY)

☐ Approved ☐ Rejected without prejudice

☐ Approved with technical corrections ☐ Disapproved in part, *(Indicate Section Numbers disapproved only)*

☐ Deemed approved pursuant to CGS Section 4-170(c)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED *(Administrator, Legislative Regulation Review Committee)*

Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.

DATE	SIGNED *(Secretary of the State)*	BY

(For Secretary of the State Use ONLY)

GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for his/her determination of legal sufficiency. (See CGS Section 4-169.)

2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Sections 4-168 and 4-170 as amended by Public Act 11-150, Sections 18 and 19.)

3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)

4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)

5. Existing language to be deleted must be enclosed in brackets [ ]. (See CGS 4-170(b).)

6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)

7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)

8. The Certification Statement portion of the form must be completed, including all applicable information regarding *Connecticut Law Journal* notice publication date(s) and public hearing(s). (See more specific instructions below.)

9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: http://www.cga.ct.gov/rr/ .

10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf.

CERTIFICATION STATEMENT INSTRUCTIONS

(Numbers below correspond to the numbered sections of the statement)

1. Indicate whether the regulation is a regular or an emergency regulation adopted under the provisions of CGS Section 4-168(f).

2. a) Indicate whether the regulations contains newly adopted sections, amendments to existing sections, and/or repeals existing sections. Check all cases that apply.

   b) Indicate the specific legal authority that authorizes or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.

3. Except for emergency regulations adopted under CGS 4-168(f), and technical amendments to an existing regulation adopted under CGS 4-168(g), an agency must publish notice of its intent to adopt a regulation in the *Connecticut Law Journal*. Enter the date of notice publication.

4. CGS Section 4-168(a)(7) prescribes requirements for the holding of an agency public hearing regarding proposed regulations. Enter the date(s) of the hearing(s) held under that section, if any; also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law.

5. As applicable, enter the effective date of the regulation here, or indicate that it is effective upon filing with the Secretary of the State. Please note the information below.

   Regulations are effective upon filing with the Secretary of the State or at a later specified date. See CGS Section 4-172(b) which provides that each regulation is effective upon filing, or, if a later date is required by statute or specified in the regulation, the later date is the effective date. An effective date may not precede the effective date of the public act requiring or permitting the regulation. Emergency regulations are effective immediately upon filing with the Secretary of the State, or at a stated date less than twenty days thereafter.