



General Assembly

February Session, 2014

***Raised Bill No. 238***

LCO No. 1352



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

***AN ACT ESTABLISHING A LANDSCAPE CONTRACTOR LICENSE.***

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

1 Section 1. (NEW) (*Effective October 1, 2014*) (a) For the purposes of  
2 this section, "landscape contractor" means any person who, for  
3 compensation or consideration, engages in a business that requires the  
4 art, experience, ability, knowledge, science, and skill to: (1) Install,  
5 design, grade, prepare, plant, repair or maintain gardens, lawns,  
6 shrubs, vines, bushes, trees or any other decorative vegetation,  
7 including, but not limited to, plots and areas of land used for  
8 decorative treatment or arrangement, (2) construct or install garden  
9 pools, fountains, incidental retaining walls, fences, walks and  
10 drainage, or (3) engage in incidental construction in connection with  
11 the execution of a landscaping project. "Landscape contractor" does not  
12 include any person with a total cash price of five thousand dollars for  
13 all of such person's landscape contracts during any period of twelve  
14 consecutive months.

15 (b) There is established a State Landscape Contractor Examining  
16 Board that shall be in the Department of Energy and Environmental

17 Protection. Such board shall consist of the following members: (1) A  
18 plant pathologist, as appointed by the Director of the Connecticut  
19 Agricultural Experiment Station, (2) the Commissioner of Agriculture,  
20 or the commissioner's designee, (3) the Commissioner of Energy and  
21 Environmental Protection, or the commissioner's designee, and (4) five  
22 appointed by the Governor, each of whom shall be a licensed,  
23 practicing landscape contractor selected by the Governor from  
24 candidates proposed by any nonprofit trade association that serves the  
25 landscaping industry. Any vacancy in the appointed membership of  
26 the board shall be filled by the Governor for the unexpired portion of  
27 such member's term. A majority of the membership of such board shall  
28 constitute a quorum for the purpose of transacting any business. The  
29 board shall advise the Commissioner of Energy and Environmental  
30 Protection, as described in this section.

31 (c) No person shall advertise, solicit or contract to perform the work  
32 of a landscape contractor unless such person is licensed in accordance  
33 with the provisions of this subsection. The Commissioner of Energy  
34 and Environmental Protection shall prescribe a form for the  
35 submission of a landscape contractor license application. Such form  
36 shall include, but not be limited to, a requirement that the applicant  
37 submit information concerning such applicant's: (1) Qualifications to  
38 perform the work of a landscape contractor, and (2) proposed  
39 operations. Any such application submitted to the commissioner shall  
40 be accompanied by a nonrefundable fee of one hundred fifty dollars.  
41 The commissioner shall require only one landscape contractor license  
42 for each sole proprietorship, corporation, partnership, company or  
43 limited liability company that performs the work of a landscape  
44 contractor. No person licensed as a landscape contractor pursuant to  
45 this section shall be required to register as a home improvement  
46 contractor pursuant to section 20-420 of the general statutes.

47 (d) Any person employed by a licensed landscape contractor may  
48 apply for any of the following levels of licensure: (1) Landscape  
49 installer, (2) landscape maintenance, (3) landscape salesman, or (4)

50 landscape designer. The commissioner shall adopt regulations, in  
51 accordance with chapter 54 of the general statutes, to establish the  
52 requirements for licensure at each of the levels described in this  
53 subsection. Application for any such license shall be submitted on a  
54 form, as prescribed by the commissioner, and shall be accompanied by  
55 a nonrefundable fee of one hundred fifty dollars.

56 (e) (1) Any person who applies for a license pursuant to subsection  
57 (c) or (d) of this section shall successfully complete an examination that  
58 tests such applicant on his or her knowledge concerning the proper  
59 methods and practices to be employed by any person who performs  
60 the landscape work for which such applicant seeks licensure. Upon  
61 successful completion of such examination and submission of the  
62 applicable application and application fee, the commissioner shall  
63 issue the applicable license. Any license issued pursuant to this section  
64 shall be valid for a period of five years and may be renewed upon: (A)  
65 The submission of a renewal application, as prescribed by the  
66 commissioner, (B) the completion of all applicable continuing  
67 education requirements, as described in subsection (k) of this section,  
68 and (C) the payment of a renewal fee of one hundred fifty dollars. Any  
69 person licensed pursuant to this section shall maintain business  
70 liability insurance in the applicable amount for such license, as  
71 determined by the commissioner. In the event that following such  
72 examination the commissioner finds that an applicant is not qualified,  
73 or if the commissioner refuses to issue the applicable license for any  
74 other reason, the commissioner shall so inform the applicant, in  
75 writing, and provide the reasons for such refusal.

76 (2) For each type of licensure authorized pursuant to this section,  
77 the commissioner, in consultation with the State Landscape Contractor  
78 Examining Board, shall establish the content of the examination  
79 described in subdivision (1) of this subsection, provided each such  
80 examination shall require the applicant to demonstrate a knowledge of  
81 the best practices for the performance of the landscape work for which  
82 such applicant seeks licensure.

83 (f) The commissioner may waive the requirement for examination,  
84 as described in subsection (e) of this section, for any applicant who  
85 furnishes proof, in a form acceptable to the commissioner, that such  
86 applicant performed landscape work, for which such applicant seeks  
87 licensure, for the continuous three-year period prior to the date of such  
88 application.

89 (g) Notwithstanding the provisions of subsection (e) of this section,  
90 the commissioner may issue a license without examination to any  
91 nonresident who is licensed in another state for the performance of  
92 landscape work, provided such other state: (1) Has substantially  
93 similar licensure requirements as this state for the performance of  
94 landscape work for which such nonresident seeks licensure in this  
95 state, and (2) grants similar privileges of licensure without  
96 examination to residents of this state who are licensed pursuant to the  
97 provisions of this section.

98 (h) Any person licensed pursuant to the provisions of this section  
99 shall maintain records concerning the performance of landscape work  
100 for which such person is licensed. Such records shall be provided to  
101 the commissioner upon said commissioner's request. The  
102 commissioner shall adopt regulations, in accordance with chapter 54 of  
103 the general statutes, to prescribe the nature of the records required to  
104 be kept for each type of licensure issued pursuant to this section.

105 (i) Any person licensed pursuant to this section shall display or  
106 publish such person's license number on all advertisements, bids,  
107 stationery, business cards and vehicles that relate to the performance  
108 of landscape work by such person.

109 (j) The commissioner may suspend any license issued pursuant to  
110 this section upon a finding that such licensee violated any provision of  
111 this section or any regulation adopted by the commissioner to  
112 implement the provisions of this section. Any such suspension shall be  
113 for a period of not longer than ten days, provided the commissioner

114 may continue to suspend such license upon a finding that such license  
115 continues to violate such provision or regulation. The commissioner  
116 may revoke the license of any person licensed pursuant to the  
117 provisions of this section upon a finding that such licensee no longer  
118 meets the requirements for such licensure or upon a finding that such  
119 licensee refuses to comply with any provision of this section or any  
120 regulation adopted by the commissioner to implement the provisions  
121 of this section. The commissioner shall provide an opportunity for a  
122 hearing, in accordance with the provisions of chapter 54 of the general  
123 statutes, prior to suspending or revoking any license pursuant to this  
124 subsection.

125 (k) The commissioner, in consultation with the State Landscape  
126 Contractor Examining Board, shall establish continuing education  
127 requirements for each license authorized pursuant to this section. Any  
128 licensee shall complete the applicable continuing education  
129 requirements prior to renewal of such license.

130 (l) Any person who violates any provision of this section shall be  
131 assessed a civil penalty of not less than five hundred dollars for each  
132 day such violation continues. The Attorney General, upon complaint  
133 of the commissioner, shall institute a civil action in Superior Court to  
134 recover such penalty.

135 (m) The commissioner may adopt regulations, in accordance with  
136 the provisions of chapter 54 of the general statutes, to implement the  
137 provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	New section

**Statement of Purpose:**

To establish a licensure requirement for landscape contractors and authorize licensure for other landscaping-related work.

*[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.]*