AN ACT ESTABLISHING A LANDSCAPE CONTRACTOR LICENSE.

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

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

(b) There is established a State Landscape Contractor Examining Board that shall be in the Department of Energy and Environmental
Protection. Such board shall consist of the following members: (1) A plant pathologist, as appointed by the Director of the Connecticut Agricultural Experiment Station, (2) the Commissioner of Agriculture, or the commissioner's designee, (3) the Commissioner of Energy and Environmental Protection, or the commissioner's designee, and (4) five appointed by the Governor, each of whom shall be a licensed, practicing landscape contractor selected by the Governor from candidates proposed by any nonprofit trade association that serves the landscaping industry. Any vacancy in the appointed membership of the board shall be filled by the Governor for the unexpired portion of such member's term. A majority of the membership of such board shall constitute a quorum for the purpose of transacting any business. The board shall advise the Commissioner of Energy and Environmental Protection, as described in this section.

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

(d) Any person employed by a licensed landscape contractor may apply for any of the following levels of licensure: (1) Landscape installer, (2) landscape maintenance, (3) landscape salesman, or (4)
landscape designer. The commissioner shall adopt regulations, in accordance with chapter 54 of the general statutes, to establish the requirements for licensure at each of the levels described in this subsection. Application for any such license shall be submitted on a form, as prescribed by the commissioner, and shall be accompanied by a nonrefundable fee of one hundred fifty dollars.

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

(2) For each type of licensure authorized pursuant to this section, the commissioner, in consultation with the State Landscape Contractor Examining Board, shall establish the content of the examination described in subdivision (1) of this subsection, provided each such examination shall require the applicant to demonstrate a knowledge of the best practices for the performance of the landscape work for which such applicant seeks licensure.
(f) The commissioner may waive the requirement for examination, as described in subsection (e) of this section, for any applicant who furnishes proof, in a form acceptable to the commissioner, that such applicant performed landscape work, for which such applicant seeks licensure, for the continuous three-year period prior to the date of such application.

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

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

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

(j) The commissioner may suspend any license issued pursuant to this section upon a finding that such licensee violated any provision of this section or any regulation adopted by the commissioner to implement the provisions of this section. Any such suspension shall be for a period of not longer than ten days, provided the commissioner
may continue to suspend such license upon a finding that such license continues to violate such provision or regulation. The commissioner may revoke the license of any person licensed pursuant to the provisions of this section upon a finding that such licensee no longer meets the requirements for such licensure or upon a finding that such licensee refuses to comply with any provision of this section or any regulation adopted by the commissioner to implement the provisions of this section. The commissioner shall provide an opportunity for a hearing, in accordance with the provisions of chapter 54 of the general statutes, prior to suspending or revoking any license pursuant to this subsection.

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

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

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

This act shall take effect as follows and shall amend the following sections:

| Section 1 | October 1, 2014 | 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.)