



General Assembly

Amendment

February Session, 2014

LCO No. 3462

SB0020703462SD0

Offered by:
SEN. DOYLE, 9th Dist.

To: Subst. Senate Bill No. 207

File No. 189

Cal. No. 156

**"AN ACT REQUIRING HOME IMPROVEMENT CONTRACTORS
AND SALESMEN TO OBTAIN AND DISPLAY IDENTIFICATION
BADGES."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 20-427 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2014*):

5 (a) Each [person engaged in making home improvements shall (1)
6 exhibit his] contractor and salesman shall:

7 (1) Exhibit his or her certificate of registration upon request by any
8 interested party; [, (2) state]

9 (2) State in any advertisement the fact that he or she is registered as
10 a home improvement contractor or salesman; and [, and (3) include
11 his]

12 (3) Include his or her registration number in any advertisement.

13 (b) No person shall: (1) Present or attempt to present, as such
14 person's own, the certificate of another, (2) knowingly give false
15 evidence of a material nature to the commissioner for the purpose of
16 procuring a certificate, (3) represent himself or herself falsely as, or
17 impersonate, a registered home improvement contractor or salesman,
18 (4) use or attempt to use a certificate [which] that has expired or
19 [which] has been suspended or revoked, (5) offer to make or make any
20 home improvement without having a current certificate of registration
21 under this chapter, (6) represent in any manner that such person's
22 registration constitutes an endorsement of the quality of such person's
23 workmanship or of such person's competency by the commissioner, (7)
24 employ or allow any person to act as a salesman on such person's
25 behalf unless such person is registered as a home improvement
26 salesman, or (8) fail to refund the amount paid for a home
27 improvement within ten days of a written request mailed or delivered
28 to the contractor's last known address, if no substantial portion of the
29 contracted work has been performed at the time of the request and
30 more than thirty days has elapsed since the starting date specified in
31 the written contract, or more than thirty days has elapsed since the
32 date of the contract if such contract does not specify a starting date.

33 (c) In addition to any other remedy provided for in this chapter, (1)
34 any person who violates any provision of subsection (b) of this section,
35 except subdivision (8) of subsection (b) of this section, shall be guilty of
36 a class B misdemeanor and (2) any person who violates the provisions
37 of subdivision (8) of subsection (b) of this section shall be guilty of a
38 class B misdemeanor if the home improvement that is offered or made
39 has a total cash price of ten thousand dollars or less and shall be guilty
40 of a class A misdemeanor if the home improvement that is offered or
41 made has a total cash price of more than ten thousand dollars.
42 Notwithstanding any provision of subsection (d) or (e) of section 53a-
43 29 or section 54-56e, if the court determines that a contractor cannot
44 fully repay [his victims] any victim of the violations committed by
45 such contractor within the period of probation established in
46 subsection (d) or (e) of section 53a-29 or section 54-56e, the court may

47 impose probation for a period of not more than five years. A violation
48 of any of the provisions of this chapter shall be deemed an unfair or
49 deceptive trade practice under subsection (a) of section 42-110b.

50 (d) The commissioner may, after notice and hearing in accordance
51 with the provisions of chapter 54, impose a civil penalty on any person
52 who engages in or practices the work or occupation for which a
53 certificate of registration is required by this chapter without having
54 first obtained such a certificate of registration or who wilfully employs
55 or supplies for employment a person who does not have such a
56 certificate of registration or who wilfully and falsely pretends to
57 qualify to engage in or practice such work or occupation, or who
58 engages in or practices any of the work or occupations for which a
59 certificate of registration is required by this chapter after the expiration
60 of such person's certificate of registration or who violates any of the
61 provisions of this chapter or the regulations adopted pursuant
62 [thereto] to this chapter. Such penalty shall be in an amount not more
63 than five hundred dollars for a first violation of this subsection, not
64 more than [seven hundred fifty] one thousand dollars for a second
65 violation of this subsection occurring not more than three years after a
66 prior violation, not more than [one] two thousand [five hundred]
67 dollars for a third or subsequent violation of this subsection occurring
68 not more than three years after a prior violation and, in the case of
69 radon mitigation work, such penalty shall be not less than two
70 hundred fifty dollars. Any civil penalty collected pursuant to this
71 subsection shall be deposited in the consumer protection enforcement
72 account established in section 21a-8a.

73 (e) Certificates issued to home improvement contractors or salesmen
74 shall not be transferable or assignable.

75 (f) All certificates issued under the provisions of this chapter shall
76 expire annually. The fee for renewal of a certificate shall be the same as
77 the fee charged for an original application.

78 (g) The renewal fee for a certificate of registration as a home

79 improvement contractor acting solely as the contractor of record for a
80 registration as a home improvement contractor acting solely as the
81 contractor of record for a corporation, shall be waived, if such
82 contractor uses such registration for the sole purpose of directing,
83 supervising or performing home improvements for such corporation.

84 (h) Failure to receive a notice of expiration or a renewal application
85 for a certificate shall not exempt a contractor or salesman from the
86 obligation to renew such certificate.

87 (i) No contractor shall commence home improvement work unless
88 each applicable building or construction permit has been obtained as
89 may be required under the general statutes or local ordinances.

90 Sec. 2. Subsection (a) of section 20-429 of the general statutes is
91 repealed and the following is substituted in lieu thereof (*Effective*
92 *October 1, 2014*):

93 (a) No home improvement contract shall be valid or enforceable
94 against an owner unless it: (1) Is in writing, (2) is signed by the owner
95 and the contractor, (3) contains the entire agreement between the
96 owner and the contractor, (4) contains the date of the transaction, (5)
97 contains the name and address of the contractor and the contractor's
98 registration number, (6) contains a copy of the salesman's or
99 contractor's certificate of registration, [(6)] (7) contains a notice of the
100 owner's cancellation rights in accordance with the provisions of
101 chapter 740, [(7)] (8) contains a starting date and completion date, [(8)]
102 (9) is entered into by a registered salesman or registered contractor,
103 and [(9)] (10) includes a provision disclosing each corporation, limited
104 liability company, partnership, sole proprietorship or other legal
105 entity, which is or has been a home improvement contractor pursuant
106 to the provisions of this chapter or a new home construction contractor
107 pursuant to the provisions of chapter 399a, in which the owner or
108 owners of the home improvement contractor are or have been a
109 shareholder, member, partner, or owner during the previous five
110 years. Each change in the terms and conditions of a contract shall be in

111 writing and shall be signed by the owner and contractor, except that
112 the commissioner may, by regulation, dispense with the necessity for
113 complying with the requirement that each change in a home
114 improvement contract shall be in writing and signed by the owner and
115 contractor."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	20-427
Sec. 2	<i>October 1, 2014</i>	20-429(a)