



General Assembly

Amendment

February Session, 2014

LCO No. 3420

SB0020703420SD0

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 Section 20-427 of the general statutes is repealed and the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) Exhibit his or her certificate of registration to an owner whenever
10 such contractor or salesman initially meets with the owner for the
11 purpose of (A) commencing home improvement work, (B) soliciting or
12 otherwise endeavoring to procure home improvement work or a home
13 improvement contract, or (C) consulting with the owner regarding

14 home improvement work;

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

18 (4) Include his or her registration number in any advertisement.

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

39 (c) In addition to any other remedy provided for in this chapter, (1)
40 any person who violates any provision of subsection (b) of this section,
41 except subdivision (8) of subsection (b) of this section, shall be guilty of
42 a class B misdemeanor and (2) any person who violates the provisions
43 of subdivision (8) of subsection (b) of this section shall be guilty of a
44 class B misdemeanor if the home improvement that is offered or made
45 has a total cash price of ten thousand dollars or less and shall be guilty

46 of a class A misdemeanor if the home improvement that is offered or
47 made has a total cash price of more than ten thousand dollars.
48 Notwithstanding any provision of subsection (d) or (e) of section 53a-
49 29 or section 54-56e, if the court determines that a contractor cannot
50 fully repay [his victims] any victim of the violations committed by
51 such contractor within the period of probation established in
52 subsection (d) or (e) of section 53a-29 or section 54-56e, the court may
53 impose probation for a period of not more than five years. A violation
54 of any of the provisions of this chapter shall be deemed an unfair or
55 deceptive trade practice under subsection (a) of section 42-110b.

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

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

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

84 (g) The renewal fee for a certificate of registration as a home
85 improvement contractor acting solely as the contractor of record for a
86 registration as a home improvement contractor acting solely as the
87 contractor of record for a corporation, shall be waived, if such
88 contractor uses such registration for the sole purpose of directing,
89 supervising or performing home improvements for such corporation.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	20-427