

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 14-210—sSB 412

General Law Committee

Judiciary Committee

Labor and Public Employees Committee

**AN ACT CONCERNING THE ENFORCEMENT OF CERTAIN
OCCUPATIONAL LICENSING STATUTES**

SUMMARY: This act makes several changes in the Department of Consumer Protection's (DCP) occupational licensing enforcement laws. It:

1. requires the commissioner to annually report to the General Law Committee on the complaints DCP receives about people licensed, registered, or certified by certain DCP boards and commissions (§ 3);
2. requires DCP boards or commissions, instead of their chairpersons, to approve dismissing certain complaints (§ 3);
3. allows the commissioner and the appropriate examining board to report certain violations to the state's attorney together (§ 1); and
4. specifies that the commissioner's or the appropriate examining board's authority to impose a civil penalty on people performing certain unlicensed work or responsible for similar violations applies to each violation (§ 2).

The act also makes technical changes.

EFFECTIVE DATE: October 1, 2014

§ 3 — DCP COMPLAINTS

Annual Report

By January 15, 2015, the act requires the commissioner to begin annually reporting to the General Law Committee on the complaints DCP received during the previous calendar year on the work or practice of people licensed, registered, or certified by certain boards or commissions. The report must include the total number of complaints and nature and resolution of each complaint indicating, if applicable, whether the complaint was:

1. dismissed because the conduct, if substantiated, would not violate a law or regulation;
2. investigated;
3. dismissed after an investigation for lacking probable cause;
4. resolved by a settlement and if it imposed a penalty; or
5. brought for a formal hearing and if a violation was found and penalty imposed.

DCP must report this information on complaints concerning people licensed, registered, or certified by the boards for architectural work; electrical work;

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plumbing and piping work; heating, piping, cooling, and sheet metal work; elevator installation, repair, and maintenance work; fire protection sprinkler systems work; and automotive or flat glass work.

Dismissals

The act shifts the authority to approve dismissing a complaint investigated by DCP for which no probable cause is found from the applicable board's or commission's chairperson to the board or commission. This applies to the following DCP boards and commissions: the occupational boards for work, such as electrical, plumbing and piping, sheet metal, elevator, fire protection sprinkler system, and automotive and flat glass work; architectural licensing; television and radio service; pharmacy; landscape architects; professional engineers and land surveyors; real estate; real estate appraisal; shorthand reporters; liquor control; and home inspection licensing (CGS § 21a-6).

By law, DCP receives complaints on (1) the work and practices of people licensed or certified by its boards or commissions and (2) unauthorized work and practices by unlicensed people. DCP screens the complaints and dismisses those that, if substantiated, would not violate the law or an applicable regulation. DCP must investigate the complaints that, if substantiated, would be a violation.

§ 1 — REPORTING VIOLATIONS

Prior law required the examining boards for certain occupations, or the DCP commissioner or his agent, after a hearing showing a violation of the occupational licensing law or regulations, to report the violation to the office of the state's attorney. The act (1) eliminates the agent's reporting authority and (2) allows the boards and commissioner to jointly or separately report a violation.

The authority to report licensing violations applies to the examining boards for the following occupations: electrical work; plumbing and piping work; heating, piping, cooling, and sheet metal work; elevator installation, repair, and maintenance work; fire protection sprinkler systems work; and automotive glass and flat glass work (CGS § 20-331).

§ 2 — CIVIL PENALTIES

By law, the commissioner or the appropriate examining board, after notice and hearing, may impose a civil penalty on anyone who:

1. performs certain work without first obtaining the required certificate or license,
2. willfully hires or provides an uncertified or unlicensed person to perform the work,
3. performs the work when the required license or certification has expired, or
4. violates any of the laws or regulations applicable to the license or certification to perform the work.

The act specifies that the commissioner or the board may impose a separate civil penalty for each violation.

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By law, the fines are up to (1) \$1,000 for a first violation, (2) \$1,500 for a second violation, and (3) \$3,000 for violations occurring within three years of a second or subsequent violation. Improperly registered apprentices are exempt from a penalty for a first offense.

These fines apply to people who perform work such as electrical; plumbing and piping; heating, piping, cooling, and sheet metal; solar; elevator; fire protection sprinkler system; irrigation; gas hearth; automotive and flat glass; electronics, television, or radio; swimming pool maintenance and repair; or well drilling.

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