



21C Arts Center Court
Avon, CT 06001

March 2, 2015

Public Safety and Security Committee March 3, 2015

RE: House Bill No. 6914 – Repeal of Statute 29-406(a)

To Whom It May Concern:

My name is Gayleen Pont, Vice President of the Litchfield Insurance Group in Avon, CT. We service many contractors in the State of Connecticut who perform demolition operations. Several contracts were prohibited from starting due to the requirement of the statute 29-406(a) to include indemnification language on the certificate of liability insurance.

This statute is the cause of lost revenue to both the towns and the contractors working in our state. It bottle necks the entire permit process unnecessarily. A certificate of insurance is issued as a matter of information only and confers no rights upon the certificate holder. This is stated on the Acord 25 Certificate of Liability. In addition the insurance policies listed on the certificate of insurance are subject to the terms, conditions and exclusions of the insurance policies and will not save the town or city harmless from any claim.

House Bill No. 5248 Public Act No. 14-74 was passed by the Governor on 6/3/2014 and is direct conflict with statute 29-406(a).

We respectfully request the amendment of Statute 29-406(a) proposed by House Bill No. 6914 LCO No. 4113. HB6914 removes this onerous language.

Thank you for your consideration.

Sincerely,

Gayleen Pont
Vice President

Attachments: House Bill 5248 Public Act No. 14-74
Raised Bill No. 6914



House Bill No. 5248

Public Act No. 14-74

AN ACT CONCERNING CERTIFICATES OF INSURANCE FOR PROPERTY AND CASUALTY INSURANCE COVERAGE.

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

Section 1. (NEW) (*Effective October 1, 2014*) (a) As used in this section, "certificate of insurance" means a document or instrument that is prepared or issued by an insurer or insurance producer as evidence of personal risk insurance or commercial risk insurance, as both terms are defined in section 38a-663 of the general statutes, that is issued on property, operations or risks located in this state. "Certificate of insurance" does not include an insurance policy, a binder, an endorsement or an automobile insurance identification or information card.

(b) No person shall (1) prepare, deliver or issue for delivery a certificate of insurance that contains false or misleading information about the coverage provided by the referenced insurance policy, (2) prepare the alteration or amendment of a certificate of insurance or deliver or issue for delivery a new certificate of insurance unless such alteration, amendment or new certificate accurately reflects the provisions of the referenced insurance policy, or (3) represent that (A) a certificate of insurance confers new or additional rights to any person beyond those provided for in the referenced insurance policy, or (B) amending such certificate will alter, amend or extend the coverage provided by the referenced insurance policy.

(c) No certificate of insurance shall warrant that the referenced insurance policy complies with the insurance or indemnification requirements of a contract. The inclusion of a contract number or contract description on a certificate of insurance shall not be construed as making such a warranty.

(d) No person shall prepare, issue, demand or require, in addition to or in lieu of a certificate of insurance, an opinion letter or other document or correspondence that is inconsistent with the provisions of this section, except that an insurer or insurance producer may prepare or issue an addendum to a certificate of insurance that clarifies and explains the coverage provided by the referenced insurance policy and that otherwise complies with the provisions of this section.

(e) No person shall request or require another person to perform any act that violates the provisions of subsection (b) of this section.

(f) The commissioner may conduct an investigation, pursuant to section 38a-16 of the general statutes, of any person the commissioner reasonably believes has been or is engaged in a violation of any provision of this section.

Approved June 3, 2014



General Assembly

Raised Bill No. 6914

January Session, 2015

LCO No. 4113

04113_____PS_

Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:

(PS)

AN ACT CONCERNING DEMOLITION LICENSURE AND DEMOLITION PERMITS.

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

Section 1. Section 29-402 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this part, the term "license" includes the whole or part of any permit which the Department of Administrative Services issues under authority of the general statutes, and which (1) requires persons to place their names on a list maintained by the department before they can engage in the business of demolition of buildings, (2) requires a person to demonstrate competence by examination or other means, and (3) may be revoked or suspended by the department for cause.

(b) No person shall engage in the business of demolition of buildings without a license obtained from the Department of Administrative Services. An applicant for an initial license shall file an application with the Department of Administrative Services, furnish evidence of expertise and financial responsibility and pay a fee of four hundred forty dollars for a class B license and nine hundred forty dollars for a class A license. Each license shall be valid for twelve months from date of issuance and shall be renewable on application of the licensee

upon payment of an annual fee of two hundred fifty dollars for a class B license and seven hundred fifty dollars for a class A license. The department may refuse to issue any such license for cause, and may revoke or refuse to renew any such license for failure to carry out and conform to the provisions of this part or to any regulations adopted hereunder, or for any violation of title 22a. No person shall be refused a license or a renewal thereof, and no license shall be revoked, without an opportunity for a hearing conducted by the Department of Administrative Services in accordance with the provisions of chapter 54.

(c) The provisions of this section shall not apply to (1) a person who is engaged in the [disassembling] [disassembly](#), transportation and reconstruction of historic buildings for historical purposes, [or] in the demolition of farm buildings, [or] in the renovation, alteration or reconstruction of a single-family residence [or in the disassembly of nonstructural building materials of a building for the purpose of reusing or recycling such building materials](#), (2) the removal of underground petroleum storage tanks, (3) the burning of a building or structure as part of an organized fire department training exercise, or (4) the demolition of a single-family residence or outbuilding by an owner of such structure if it does not exceed a height of thirty feet, provided (A) the owner shall be present on site while such demolition work is in progress and shall be held personally liable for any injury to individuals or damage to public or private property caused by such demolition, and (B) such demolition shall be permitted only with respect to buildings which have clearance from other structures, roads or highways equal to or greater than the height of the structure subject to demolition. The local building official may require additional clearance when deemed necessary for safety.

Sec. 2. Section 29-406 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No person shall demolish any building, structure or part thereof without obtaining a permit for the particular demolition undertaking from the building official of the town, city or borough wherein such building or part thereof is located. No person shall be eligible to receive a permit under this section unless such person furnishes [**written notice**] to the building official: (1) [Written notice](#) of financial responsibility in the form of a certificate of insurance specifying demolition purposes and providing liability coverage for bodily injury of at least one hundred thousand dollars per person with an aggregate of at least three hundred thousand dollars, and for property damage of at least fifty thousand dollars per accident with an aggregate of at least one hundred thousand dollars; [**each such certificate shall provide that the town or city and its agents shall be saved harmless from any claim or claims arising out of the negligence of the applicant or his agents or employees in the course of the demolition operations;**] (2) [written notice](#) in the form of a certificate of notice executed by all public utilities having service connections within the premises proposed to be demolished, stating that such utilities have severed such connections and service; [**and**] (3) [written notice](#) that [**he**] [such person](#) is the holder of a current valid license issued under the provisions of section 29-402, [as amended by this act](#), [**except in the case of (A) a person who is engaged in the disassembling, transportation and reconstruction of historic buildings for historical purposes or who is engaged in the demolition of farm buildings or in the renovation, alteration or reconstruction of a single-family residence, or (B) an owner who is**

engaged in the demolition of a single-family residence or outbuilding,] or is exempted from such license requirement as provided in subsection (c) of [section 29-402] said section, as amended by this act; and (4) a written declaration by such person that the town or city and its agents shall be saved harmless from any claim or claims arising out of the negligence of the applicant or the applicant's agents or employees in the course of the demolition operations. No permit shall be issued under this section unless signed by the owner and the demolition contractor. Each such permit shall contain a printed intention on the part of the signers to comply with the provisions of this part.

(b) In addition to the powers granted pursuant to this part, any town, city or borough may impose, by ordinance, a waiting period of not more than one hundred eighty days before granting any permit for the demolition of any building or structure or any part thereof, except when the demolition permit is required for the removal of a structure acquired by the Department of Transportation for a transportation project.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	29-402
Sec. 2	<i>from passage</i>	29-406

Statement of Purpose:

To (1) exempt from registration for a demolition permit a person engaged in the disassembly of nonstructural building materials for the purpose of reusing and recycling the building materials, and (2) require an applicant for a demolition permit to furnish a written declaration that the town or city and its agents shall be saved harmless from any claim arising out of negligence of the applicant or the applicant's agents or employees during the demolition.

[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.]