



General Assembly

January Session, 2015

Raised Bill No. 975

LCO No. 3983



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

***AN ACT MAKING MINOR AND TECHNICAL CHANGES TO
DEPARTMENT OF CONSUMER PROTECTION STATUTES.***

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

1 Section 1. Subsection (d) of section 7-169h of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2015*):

4 (d) A distributor shall not purchase sealed tickets for sale or use in
5 this state from any person except a manufacturer. A distributor shall
6 have a physical office [in this state] and such office shall be subject to
7 inspection by the commissioner or the commissioner's duly designated
8 agent during normal business hours. No organization or group or any
9 person affiliated with an organization or group permitted to sell sealed
10 tickets under this section shall be permitted to be a distributor.

11 Sec. 2. Section 7-173 of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective October 1, 2015*):

13 Any organization desiring to operate a bazaar or raffle in a

14 municipality which has adopted the provisions of sections 7-170 to 7-
15 186, inclusive, shall make application, [in duplicate,] duly executed
16 and verified, to the Commissioner of Consumer Protection on a form
17 to be prescribed by the commissioner, in which shall be stated (1) the
18 name and address of the applicant; (2) facts relating to its
19 incorporation or organization; (3) the names, titles and addresses of its
20 officers; (4) the kind of bazaar or raffle intended to be held, operated
21 and conducted by the applicant; (5) the place where such bazaar or
22 raffle is intended to be conducted by the applicant under the permit
23 applied for; (6) the date or dates and the time or times when such
24 bazaar or raffle is intended to be conducted by the applicant under the
25 permit applied for; (7) in the case of a raffle, the number and price of
26 tickets intended to be sold; (8) the items of expense intended to be
27 incurred or paid in connection with the holding, operating and
28 conducting of such bazaar or raffle and the names and addresses of the
29 persons to whom, and the purposes for which, they are to be paid; (9)
30 the items of merchandise offered, the price to be paid by the
31 organization therefor or the retail value of any prize donated, and the
32 names and addresses of the persons from whom purchased or by
33 whom donated; (10) the specific purposes to which the entire net
34 proceeds of such bazaar or raffle are to be devoted and in what
35 manner; and (11) any other information which the commissioner
36 reasonably requires for the protection of the public. In each application
37 there shall be designated three active members of the applicant under
38 whom the bazaar or raffle described in the application is to be held,
39 operated and conducted and to the application shall be appended a
40 statement signed, under penalty of false statement, by such members
41 so designated that they are residents of this state and will be
42 responsible for the holding, operation and conduct of such bazaar or
43 raffle in accordance with the terms of the permit and the provisions of
44 said sections, and that the statements contained in the application are,
45 to the best of their knowledge and belief, true. The commissioner shall
46 forward the duplicate copy of such application to the chief of police of
47 the municipality or, if there is no police department, to the chief

48 executive officer of the municipality. For the purposes of applying for
49 a "Class No. 7" permit, authorized pursuant to section 7-175, the
50 application required pursuant to this section shall be retained by the
51 commissioner.

52 Sec. 3. Section 7-176 of the general statutes is repealed and the
53 following is substituted in lieu thereof (*Effective October 1, 2015*):

54 The fees to be charged for permits and submitted to the
55 Commissioner of Consumer Protection at the time of application shall
56 be as follows: A "Class No. 1" permit, fifty dollars, twenty-five dollars
57 to be retained by the state at the time application for the permit is
58 made and twenty-five dollars remitted to the municipality upon
59 issuance of the permit; a "Class No. 2" permit, twenty dollars, ten
60 dollars to be retained by the state at the time application for the permit
61 is made and ten dollars to be remitted to the municipality upon
62 issuance of the permit; a "Class No. 3" permit, twenty dollars for each
63 day of the bazaar, ten dollars to be retained by the state at the time
64 application for the permit is made and ten dollars to be remitted to the
65 municipality upon issuance of the permit; a "Class No. 4" permit, five
66 dollars, to be remitted to the municipality; a "Class No. 5" permit,
67 eighty dollars, forty dollars to be retained by the state at the time
68 application for the permit is made and forty dollars remitted to the
69 municipality upon issuance of the permit; a "Class No. 6" permit, one
70 hundred dollars, fifty dollars to be retained by the state at the time
71 application for the permit is made and fifty dollars remitted to the
72 municipality upon issuance of the permit; and a "Class No. 7" permit,
73 one hundred dollars to be retained by the state.

74 Sec. 4. Subsection (h) of section 7-185a of the general statutes is
75 repealed and the following is substituted in lieu thereof (*Effective*
76 *October 1, 2015*):

77 (h) (1) Any sponsoring organization qualified to conduct a bazaar or
78 raffle under the provisions of section 7-172 may operate a golf ball-

79 drop raffle once each calendar year. Any such raffle shall conform to
80 the provisions of sections 7-170 to 7-186, inclusive, and shall be subject
81 to regulation by the Commissioner of Consumer Protection. For the
82 [purpose] purposes of this subsection, "golf ball-drop raffle" means a
83 raffle in which golf balls, numbered consecutively to correspond with
84 the number of tickets sold for such raffle, are dropped from a pay
85 loader, bucket truck, crane or similar vehicle, platform, helicopter, hot
86 air balloon or other aircraft hovering above a designated target, and in
87 which the ticket corresponding to the number of the first golf ball to be
88 closest to the center of the designated target is the winning ticket. (2)
89 The commissioner shall adopt regulations, in accordance with chapter
90 54, establishing procedures for the operation of golf ball-drop raffles.

91 Sec. 5. Section 20-304a of the general statutes is repealed and the
92 following is substituted in lieu thereof (*Effective October 1, 2015*):

93 (a) The board may issue an automatic fire sprinkler system layout
94 technician's license to any person who has received level III
95 certification from the National Institute for Certification in Engineering
96 Technologies in the field of fire protection engineering technology or a
97 subfield of automatic sprinkler system layout. Any person who is a
98 professional engineer licensed in accordance with the provisions of
99 this chapter [, a plumbing and piping journeyman licensed pursuant to
100 chapter 393, a plumbing and piping contractor licensed pursuant to
101 chapter 393 or a journeyman sprinkler fitter licensed pursuant to
102 chapter 393] shall be exempt from such licensing requirement.

103 (b) The Commissioner of Consumer Protection shall adopt
104 regulations, in accordance with chapter 54, for the issuance of
105 automatic fire sprinkler system layout technician's licenses and to
106 prescribe the amount of the fees required pursuant to this section.
107 Upon the adoption of such regulations, the fees required [by this
108 section] for such licenses shall be as prescribed in such regulation.

109 Sec. 6. Section 20-417i of the general statutes is repealed and the

110 following is substituted in lieu thereof (*Effective October 1, 2015, and*
111 *applicable to orders and decrees entered into on and after said date*):

112 (a) The commissioner shall establish and maintain the New Home
113 Construction Guaranty Fund.

114 (b) Each person who receives a certificate pursuant to sections 20-
115 417a to 20-417j, inclusive, shall pay a fee of four hundred eighty dollars
116 biennially to the fund. Such fee shall be payable with the fee for an
117 application for a certificate or renewal of a certificate.

118 (c) (1) For fiscal years commencing on or after July 1, 2003,
119 payments received under subsection (b) of this section shall be
120 credited to the New Home Construction Guaranty Fund until the
121 balance in the fund equals seven hundred fifty thousand dollars.
122 Annually, if the balance in the fund exceeds seven hundred fifty
123 thousand dollars, the first three hundred thousand dollars of the
124 excess shall be deposited in the consumer protection enforcement
125 account established in section 21a-8a. On June 1, 2004, and each June
126 first thereafter, if the balance in the fund exceeds seven hundred fifty
127 thousand dollars, the excess shall be deposited in the General Fund.

128 (2) Any money in the New Home Construction Guaranty Fund may
129 be invested or reinvested in the same manner as funds of the state
130 employees retirement system and the interest arising from such
131 investments shall be credited to the fund.

132 (d) Beginning October 1, 2000, whenever a consumer obtains a court
133 judgment, order or decree against any new home construction
134 contractor holding a certificate or who has held a certificate under
135 sections 20-417a to 20-417j, inclusive, within the past two years of the
136 date of entering into the contract with the consumer, for loss or
137 damages sustained by reason of any violation of the provisions of
138 sections 20-417a to 20-417j, inclusive, by a person holding a certificate
139 under said sections, such consumer may, upon the final determination
140 of, or expiration of time for taking, an appeal in connection with any

141 such judgment, order or decree, apply to the commissioner for an
142 order directing payment out of the New Home Construction Guaranty
143 Fund of the amount, not exceeding thirty thousand dollars, unpaid
144 upon the judgment, order or decree for actual damages and costs taxed
145 by the court against such contractor, exclusive of punitive damages.
146 The application shall be made on forms provided by the commissioner
147 and shall be accompanied by a certified copy of the court judgment,
148 order or decree obtained against the new home construction contractor
149 together with a notarized affidavit, signed and sworn to by the
150 consumer, affirming that the consumer has: (1) Complied with all the
151 requirements of this subsection; (2) obtained a judgment, order or
152 decree stating the amount of the judgment, order or decree and the
153 amount owing on the judgment, order or decree at the date of
154 application; and (3) made a good faith effort to satisfy any such
155 judgment, order or decree in accordance with the provisions of chapter
156 906 which effort may include causing to be issued a writ of execution
157 upon such judgment, order or decree but the officer executing the
158 same has made a return showing that no bank accounts or personal
159 property of such contractor liable to be levied upon in satisfaction of
160 the judgment, order or decree could be found, or that the amount
161 realized on the sale of them or of such of them as were found, under
162 the execution, was insufficient to satisfy the actual damage portion of
163 the judgment, order or decree or stating the amount realized and the
164 balance remaining due on the judgment, order or decree after
165 application on the judgment, order or decree of the amount realized,
166 except that the requirements of this subdivision shall not apply to a
167 judgment, order or decree obtained by the consumer in small claims
168 court. A true and attested copy of such executing officer's return, when
169 required, shall be attached to such application and affidavit. Whenever
170 the consumer satisfies the commissioner or the commissioner's
171 designee that it is not practicable to comply with the requirements of
172 subdivision (3) of this subsection and that the consumer has taken all
173 reasonable steps to collect the amount of the judgment, order or decree
174 or the unsatisfied part of the judgment, order or decree and has been

175 unable to collect the same, the commissioner or the commissioner's
176 designee may, in the commissioner's or the commissioner's designee's
177 discretion, dispense with the necessity for complying with such
178 requirement. No application for an order directing payment out of the
179 fund shall be made later than two years from the final determination
180 of, or expiration of time for taking, an appeal of such court judgment,
181 order or decree and no such application shall be for an amount in
182 excess of thirty thousand dollars.

183 (e) Upon receipt of such application together with such certified
184 copy of the court judgment, order or decree, notarized affidavit and,
185 except as otherwise provided in subsection (d) of this section, true and
186 attested copy of the executing officer's return, the commissioner or the
187 commissioner's designee shall inspect such documents for their
188 veracity and upon a determination that such documents are complete
189 and authentic and that the consumer has not been paid, the
190 commissioner shall order payment out of the New Home Construction
191 Guaranty Fund of the amount not exceeding thirty thousand dollars
192 unpaid upon the judgment, order or decree for actual damages and
193 costs taxed by the court against the contractor, exclusive of punitive
194 damages.

195 (f) Beginning October 1, 2000, whenever a consumer is awarded an
196 order of restitution against any new home construction contractor for
197 loss or damages sustained as a result of any violation of the provisions
198 of sections 20-417a to 20-417j, inclusive, by a person holding a
199 certificate or who has held a certificate under said sections within the
200 past two years of the date of entering into the contract with the
201 consumer, in (1) a proceeding brought by the commissioner pursuant
202 to subsection (h) of this section or subsection (d) of section 42-110d, as
203 amended by this act, (2) a proceeding brought by the Attorney General
204 pursuant to subsection (a) of section 42-110m or subsection (d) of
205 section 42-110d, as amended by this act, or (3) a criminal proceeding
206 pursuant to section 20-417e, such consumer may, upon the final
207 determination of, or expiration of time for taking, an appeal in

208 connection with any such order of restitution, apply to the
209 commissioner for an order directing payment out of the New Home
210 Construction Guaranty Fund of the amount not exceeding thirty
211 thousand dollars unpaid upon the order of restitution. The
212 commissioner may issue such order upon a determination that the
213 consumer has not been paid.

214 (g) Before the commissioner may issue any order directing payment
215 out of the New Home Construction Guaranty Fund to a consumer
216 pursuant to subsection (e) or (f) of this section, the commissioner shall
217 first notify the new home construction contractor of the consumer's
218 application for an order directing payment out of the fund and of the
219 new home construction contractor's right to a hearing to contest the
220 disbursement in the event that such contractor has already paid the
221 consumer. Such notice shall be given to the new home construction
222 contractor not later than fifteen days [from the] after receipt by the
223 commissioner of the consumer's application for an order directing
224 payment out of the fund. If the new home construction contractor
225 requests a hearing, in writing, by certified mail not later than fifteen
226 days [from receipt of] after receiving the notice from the commissioner,
227 the commissioner shall grant such request and shall conduct a hearing
228 in accordance with the provisions of chapter 54. If the commissioner
229 does not receive a written request for a hearing by certified mail from
230 the new home construction contractor on or before the fifteenth day
231 from the contractor's receipt of such notice, the commissioner shall
232 conclude that the consumer has not been paid, and the commissioner
233 shall issue an order directing payment out of the fund for the amount
234 not exceeding thirty thousand dollars unpaid upon the judgment for
235 actual damages and costs taxed by the court against the new home
236 construction contractor, exclusive of punitive damages, or for the
237 amount not exceeding thirty thousand dollars unpaid upon the order
238 of restitution.

239 (h) The commissioner or the commissioner's designee may proceed
240 against any new home construction contractor holding a certificate or

241 who has held a certificate under sections 20-417a to 20-417j, inclusive,
242 within the past two years of the effective date of entering into the
243 contract with the consumer, for an order of restitution arising from loss
244 or damages sustained by any consumer as a result of any violation of
245 the provisions of said sections 20-417a to 20-417j, inclusive. Any such
246 proceeding shall be held in accordance with the provisions of chapter
247 54. In the course of such proceeding, the commissioner or the
248 commissioner's designee shall decide whether to (1) exercise the
249 powers specified in section 20-417c, (2) order restitution arising from
250 loss or damages sustained by any consumer as a result of any violation
251 of the provisions of sections 20-417a to 20-417j, inclusive, and (3) order
252 payment out of the New Home Construction Guaranty Fund.
253 Notwithstanding the provisions of chapter 54, the decision of the
254 commissioner or the commissioner's designee shall be final with
255 respect to any proceeding to order payment out of the fund and the
256 commissioner and the commissioner's designee [are exempted from]
257 shall not be, subject to the requirements of chapter 54 as such
258 requirements relate to an appeal from any such decision. The
259 commissioner or the commissioner's designee may hear complaints of
260 all consumers submitting claims against a single new home
261 construction contractor in one proceeding.

262 (i) No application for an order directing payment out of the New
263 Home Construction Guaranty Fund shall be made later than two years
264 from the final determination of, or expiration of time for, an appeal in
265 connection with any judgment, [or] order or decree of restitution, and
266 no such application shall be for an amount in excess of thirty thousand
267 dollars.

268 (j) In order to preserve the integrity of the New Home Construction
269 Guaranty Fund, the commissioner, in the commissioner's sole
270 discretion, may order payment out of the fund of an amount less than
271 the actual loss or damages incurred by the consumer or less than the
272 order of restitution awarded by the commissioner or the Superior
273 Court. In no event shall any payment out of the fund be in excess of

274 thirty thousand dollars for any single claim by a consumer.

275 (k) If the money deposited in the New Home Construction
276 Guaranty Fund is insufficient to satisfy any duly authorized claim or
277 portion of a claim, the commissioner shall, when sufficient money has
278 been deposited in the fund, satisfy such unpaid claims or portions of
279 claims not exceeding thirty thousand dollars, in the order that such
280 claims or portions of claims were originally determined.

281 (l) Whenever the commissioner has caused any sum to be paid from
282 the New Home Construction Guaranty Fund to a consumer, the
283 commissioner shall be subrogated to all of the rights of the consumer
284 up to the amount paid plus reasonable interest, and prior to receipt of
285 any payment from the fund, the consumer shall assign all of the
286 consumer's right, title and interest in the claim up to such amount to
287 the commissioner, and any amount and interest recovered by the
288 commissioner on the claim shall be deposited [to] in the fund.

289 (m) If the commissioner orders the payment of any amount as a
290 result of a claim against a new home construction contractor, the
291 commissioner shall determine if such contractor is possessed of assets
292 liable to be sold or applied in satisfaction of the claim on the New
293 Home Construction Guaranty Fund. If the commissioner discovers any
294 such assets, the commissioner may request that the Attorney General
295 take any action necessary for the reimbursement of the fund.

296 (n) If the commissioner orders the payment of an amount as a result
297 of a claim against a new home construction contractor, the
298 commissioner may, after notice and hearing in accordance with the
299 provisions of chapter 54, revoke the certificate of such contractor and
300 such contractor shall not be eligible to receive a new or renewed
301 certificate until such contractor has repaid such amount in full, plus
302 interest from the time such payment is made from the New Home
303 Construction Guaranty Fund, at a rate to be in accordance with section
304 37-3b, except that the commissioner may, in the commissioner's sole

305 discretion, permit a new home construction contractor to receive a new
306 or renewed certificate after such contractor has entered into an
307 agreement with the commissioner whereby such contractor agrees to
308 repay the fund in full in the form of periodic payments over a set
309 period of time. Any such agreement shall include a provision
310 providing for the summary suspension of any and all certificates held
311 by the new home construction contractor if payment is not made in
312 accordance with the terms of the agreement.

313 Sec. 7. Section 20-432 of the general statutes is repealed and the
314 following is substituted in lieu thereof (*Effective October 1, 2015, and*
315 *applicable to orders and decrees entered into on and after said date*):

316 (a) The commissioner shall establish and maintain the Home
317 Improvement Guaranty Fund.

318 (b) Each salesman who receives a certificate pursuant to this chapter
319 shall pay a fee of forty dollars annually. Each contractor who receives a
320 certificate pursuant to this chapter shall pay a fee of one hundred
321 dollars annually to the guaranty fund. Said fee shall be payable with
322 the fee for an application for a certificate or renewal thereof. The
323 annual fee for a contractor who receives a certificate of registration as a
324 home improvement contractor acting solely as the contractor of record
325 for a corporation [,] shall be waived, provided the contractor of record
326 shall use such registration for the sole purpose of directing,
327 supervising or performing home improvements for such corporation.

328 (c) Payments received under subsection (b) of this section shall be
329 credited to the guaranty fund until the balance in such fund equals
330 seven hundred fifty thousand dollars. Annually, if such fund has an
331 excess, the first four hundred thousand dollars of the excess shall be
332 deposited into the consumer protection enforcement account
333 established in section 21a-8a. Any excess thereafter shall be deposited
334 in the General Fund. Any money in the guaranty fund may be invested
335 or reinvested in the same manner as funds of the state employees

336 retirement system, and the interest arising from such investments shall
337 be credited to the guaranty fund.

338 (d) Whenever an owner obtains a court judgment, order or decree
339 against any contractor holding a certificate or who has held a
340 certificate under this chapter within the past two years of the effective
341 date of entering into the contract with the owner, for loss or damages
342 sustained by reason of performance of or offering to perform a home
343 improvement within this state by a contractor holding a certificate
344 under this chapter, such owner may, upon the final determination of,
345 or expiration of time for [] taking an appeal in connection with any
346 such judgment, order or decree, apply to the commissioner for an
347 order directing payment out of said guaranty fund of the amount
348 unpaid upon the judgment, order or decree, for actual damages and
349 costs taxed by the court against the contractor, exclusive of punitive
350 damages. The application shall be made on forms provided by the
351 commissioner and shall be accompanied by a copy of the court
352 judgment, order or decree obtained against the contractor together
353 with a notarized affidavit, signed and sworn to by the owner,
354 affirming that: (1) He or she has complied with all the requirements of
355 this subsection; (2) he or she has obtained a judgment, order or decree,
356 stating the amount thereof and the amount owing thereon at the date
357 of application; and (3) he or she has caused to be issued a writ of
358 execution upon said judgment, order or decree and the officer
359 executing the same has made a return showing that no bank accounts
360 or personal property of the contractor liable to be levied upon in
361 satisfaction of the judgment, order or decree could be found, or that
362 the amount realized on the sale of them or of such of them as were
363 found, under the execution, was insufficient to satisfy the actual
364 damage portion of the judgment, order or decree or stating the amount
365 realized and the balance remaining due on the judgment, order or
366 decree after application thereon of the amount realized, except that the
367 requirements of this subdivision shall not apply to a judgment, order
368 or decree obtained by the owner in small claims court. A true and

369 attested copy of said executing officer's return, when required, shall be
370 attached to such application and affidavit. No application for an order
371 directing payment out of the guaranty fund shall be made later than
372 two years [from] after the final determination of, or expiration time for
373 [.] taking an appeal of said court judgment, order or decree.

374 (e) Upon receipt of said application together with said copy of the
375 court judgment, order or decree, notarized affidavit and true and
376 attested copy of the executing officer's return, the commissioner or his
377 designee shall inspect such documents for their veracity and upon a
378 determination that such documents are complete and authentic, and a
379 determination that the owner has not been paid, the commissioner
380 shall order payment out of the guaranty fund of the amount unpaid
381 upon the judgment, order or decree for actual damages and costs taxed
382 by the court against the contractor, exclusive of punitive damages.

383 (f) Whenever an owner is awarded an order of restitution against
384 any contractor for loss or damages sustained by reason of performance
385 of or offering to perform a home improvement in this state by a
386 contractor holding a certificate or who has held a certificate under this
387 chapter within the past two years of the date of entering into the
388 contract with the owner, in a proceeding brought by the commissioner
389 pursuant to this section or subsection (d) of section 42-110d, as
390 amended by this act, or in a proceeding brought by the Attorney
391 General pursuant to subsection (a) of section 42-110m or subsection (d)
392 of section 42-110d, as amended by this act, or a criminal proceeding
393 pursuant to section 20-427, such owner may, upon the final
394 determination of, or expiration of time for [.] taking an appeal in
395 connection with any such order of restitution, apply to the
396 commissioner for an order directing payment out of said guaranty
397 fund of the amount unpaid upon the order of restitution. The
398 commissioner may issue said order upon a determination that the
399 owner has not been paid.

400 (g) Before the commissioner [shall] may issue any order directing

401 payment out of the guaranty fund to an owner pursuant to subsections
402 (e) or (f) of this section, the commissioner shall first notify the
403 contractor of the owner's application for an order directing payment
404 out of the guaranty fund and of the contractor's right to a hearing to
405 contest the disbursement in the event that the contractor has already
406 paid the owner or is complying with a payment schedule in
407 accordance with a court judgment. Such notice shall be given to the
408 contractor [within] not later than fifteen days [of the] after receipt by
409 the commissioner of the owner's application for an order directing
410 payment out of the guaranty fund. If the contractor requests a hearing,
411 in writing, by certified mail [within] not later than fifteen days [of
412 receipt of] after receiving the notice from the commissioner, the
413 commissioner shall grant such request and shall conduct a hearing in
414 accordance with the provisions of chapter 54. If the commissioner
415 [receives no written] does not receive a request by certified mail from
416 the contractor for a hearing [within] not later than fifteen days [of]
417 after the contractor's receipt of such notice, the commissioner shall
418 determine that the owner has not been paid, and the commissioner
419 shall issue an order directing payment out of the guaranty fund for the
420 amount unpaid upon the judgment for actual damages and costs taxed
421 by the court against the contractor, exclusive of punitive damages, or
422 for the amount unpaid upon the order of restitution.

423 (h) The commissioner or his designee may proceed against any
424 contractor holding a certificate or who has held a certificate under this
425 chapter within the past two years of the effective date of entering into
426 the contract with the owner, for an order of restitution arising from
427 loss or damages sustained by any person by reason of such contractor's
428 performance of or offering to perform a home improvement in this
429 state. Any such proceeding shall be held in accordance with the
430 provisions of chapter 54. In the course of such proceeding, the
431 commissioner or his designee shall decide whether to exercise his
432 powers pursuant to section 20-426; whether to order restitution arising
433 from loss or damages sustained by any person by reason of such

434 contractor's performance or offering to perform a home improvement
435 in this state; and whether to order payment out of the guaranty fund.
436 Notwithstanding the provisions of chapter 54, the decision of the
437 commissioner or his designee shall be final with respect to any
438 proceeding to order payment out of the guaranty fund and the
439 commissioner and his designee [are exempted from] shall not be
440 subject to the requirements of chapter 54 as they relate to appeal from
441 any such decision. The commissioner or his designee may hear
442 complaints of all owners submitting claims against a single contractor
443 in one proceeding.

444 (i) No application for an order directing payment out of the
445 guaranty fund shall be made later than two years from the final
446 determination of, or expiration of time for, appeal in connection with
447 any judgment, [or] order or decree of restitution.

448 (j) Whenever the owner satisfies the commissioner or his designee
449 that it is not practicable to comply with the requirements of
450 subdivision (3) of subsection (d) of this section and that the owner has
451 taken all reasonable steps to collect the amount of the judgment or the
452 unsatisfied part thereof and has been unable to collect the same, the
453 commissioner or his designee may in his discretion dispense with the
454 necessity for complying with such requirement.

455 (k) In order to preserve the integrity of the guaranty fund, the
456 commissioner, in the commissioner's sole discretion, may order
457 payment out of said fund of an amount less than the actual loss or
458 damages incurred by the owner or less than the order of restitution
459 awarded by the commissioner or the Superior Court. In no event shall
460 any payment out of said guaranty fund be in excess of fifteen thousand
461 dollars for any single claim by an owner.

462 (l) If the money deposited in the guaranty fund is insufficient to
463 satisfy any duly authorized claim or portion thereof, the commissioner
464 shall, when sufficient money has been deposited in the fund, satisfy

465 such unpaid claims or portions thereof, in the order that such claims or
466 portions thereof were originally determined.

467 (m) [When] Whenever the commissioner has caused any sum to be
468 paid from the guaranty fund to an owner, the commissioner shall be
469 subrogated to all of the rights of the owner up to the amount paid plus
470 reasonable interest, and prior to receipt of any payment from the
471 guaranty fund, the owner shall assign all of this right, title and interest
472 in the claim up to such amount to the commissioner, and any amount
473 and interest recovered by the commissioner on the claim shall be
474 deposited to the guaranty fund.

475 (n) If the commissioner orders the payment of any amount as a
476 result of a claim against a contractor, the commissioner shall determine
477 if the contractor is possessed of assets liable to be sold or applied in
478 satisfaction of the claim on the guaranty fund. If the commissioner
479 discovers any such assets, he may request that the Attorney General
480 take any action necessary for the reimbursement of the guaranty fund.

481 (o) If the commissioner orders the payment of an amount as a result
482 of a claim against a contractor, the commissioner may, after notice and
483 hearing in accordance with the provisions of chapter 54, revoke the
484 certificate of the contractor and the contractor shall not be eligible to
485 receive a new or renewed certificate until he has repaid such amount
486 in full, plus interest from the time said payment is made from the
487 guaranty fund, at a rate to be in accordance with section 37-3b, except
488 that the commissioner may, in his sole discretion, permit a contractor
489 to receive a new or renewed certificate after that contractor has entered
490 into an agreement with the commissioner whereby the contractor
491 agrees to repay the guaranty fund in full in the form of periodic
492 payments over a set period of time. Any such agreement shall include
493 a provision providing for the summary suspension of any and all
494 certificates held by the contractor if payment is not made in accordance
495 with the terms of the agreement.

496 Sec. 8. Subsection (a) of section 20-515 of the general statutes is
497 repealed and the following is substituted in lieu thereof (*Effective*
498 *October 1, 2015*):

499 (a) A person who is certified or provisionally licensed in another
500 state as a real estate appraiser may become a certified or provisionally
501 licensed real estate appraiser in this state by conforming to all of the
502 provisions of sections 20-500 to 20-528, inclusive. The commission shall
503 recognize a current, valid certification or provisional license, as the
504 case may be, issued to a currently practicing, competent real estate
505 appraiser by another state as satisfactorily qualifying such appraiser
506 for a certification or provisional license, as the case may be, as a real
507 estate appraiser under said sections, provided [:(1) The laws of the
508 state in which such appraiser is certified or provisionally licensed
509 allow certifications or provisional licenses, as the case may be, to be
510 issued to a resident of this state, without examination, who is certified
511 or provisionally licensed, as the case may be, under said sections 20-
512 500 to 20-528, inclusive, and (2)] the certification and provisional
513 licensing requirements of the state in which such appraiser is licensed
514 are substantially similar to or higher than those of this state, including
515 establishment of competency by written examination in the case of
516 certified appraisers, and such appraiser has no disciplinary proceeding
517 or unresolved complaint pending against such appraiser. If the
518 applicant is licensed in a state that does not have such requirements,
519 such applicant shall be certified or provisionally licensed by a state in
520 accordance with Section 1116 of Title XI of FIRREA.

521 Sec. 9. Subsection (d) of section 42-110d of the general statutes is
522 repealed and the following is substituted in lieu thereof (*Effective*
523 *October 1, 2015*):

524 (d) Said commissioner, in conformance with sections 4-176e to 4-
525 185, inclusive, whenever he has reason to believe that any person has
526 been engaged or is engaged in an alleged violation of any provision of
527 this chapter, shall mail to such person, by certified mail, a complaint

528 stating the charges and containing a notice of a hearing, to be held
529 upon a day and at a place therein fixed at least fifteen days after the
530 date of such complaint. The person so notified shall have the right to
531 file a written answer to the complaint and charges therein stated and
532 appear at the time and place so fixed for such hearing, in person or
533 otherwise, with or without counsel, and submit testimony and be fully
534 heard. Any person may make application, and upon good cause
535 shown shall be allowed by the commissioner to intervene and appear
536 in such proceeding by counsel or in person. The testimony in any such
537 proceeding, including the testimony of any intervening person, shall
538 be under oath and shall be reduced to writing by the recording officer
539 of the hearing and filed in the office of the commissioner. The
540 commissioner or his authorized representatives shall have the power
541 to require by subpoena the attendance and testimony of witnesses and
542 the production of any documentary material at such proceeding. If
543 upon such hearing the commissioner is of the opinion that the method
544 of competition or the act or practice in question is prohibited by this
545 chapter, the commissioner shall make a report in writing to the person
546 complained of in which he shall state his findings as to the facts and
547 shall forward by certified mail to such person an order to cease and
548 desist from using such methods of competition or such act or practice,
549 or, if the amount involved is less than [five] ten thousand dollars, an
550 order directing restitution, or both. The commissioner may apply for
551 the enforcement of any cease and desist order, order directing
552 restitution or consent order issued under this chapter to the superior
553 court for the judicial district of Hartford, or to any judge thereof if the
554 same is not in session, for orders temporarily and permanently
555 restraining and enjoining any person from continuing violations of
556 such cease and desist order, order directing restitution or consent
557 order. Such application for a temporary restraining order, temporary
558 and permanent injunction, order directing restitution and for such
559 other appropriate decree or process shall be brought and the
560 proceedings thereon conducted by the Attorney General.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	7-169h(d)
Sec. 2	October 1, 2015	7-173
Sec. 3	October 1, 2015	7-176
Sec. 4	October 1, 2015	7-185a(h)
Sec. 5	October 1, 2015	20-304a
Sec. 6	October 1, 2015, and applicable to orders and decrees entered into on and after said date	20-417i
Sec. 7	October 1, 2015, and applicable to orders and decrees entered into on and after said date	20-432
Sec. 8	October 1, 2015	20-515(a)
Sec. 9	October 1, 2015	42-110d(d)

Statement of Purpose:

To amend Department of Consumer Protection statutes to: (1) Remove a requirement that distributors of sealed tickets have a physical office in this state, (2) require charitable organizations to submit only one application to conduct bazaars and raffles and to ensure municipalities promptly receive such application fees, (3) promote safer conduct of golf ball-drop raffles, (4) clarify who is eligible to obtain a fire system layout technician's license without first having to obtain specific certification, (5) remove Home Improvement and New Home Guaranty Fund requirements requiring consumers to submit certified copies of court judgments and add clarifying language concerning court orders and decrees, (6) remove reciprocity language concerning real estate appraisers that does not comply with federal guidelines, and (7) increase the amount of restitution consumers may receive under the Connecticut Unfair Trade Practices Act from five thousand to ten thousand dollars.

[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.]