



General Assembly

January Session, 2015

Raised Bill No. 990

LCO No. 3780



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING CONSUMER PROTECTION IN THE HOME CARE INDUSTRY.

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

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) Notwithstanding the
2 provisions of section 20-679a of the general statutes, as amended by
3 this act, no consumer who receives (1) homemaker services, as defined
4 in section 20-670 of the general statutes, (2) homemaker-home health
5 aide services, as defined in section 19a-490 of the general statutes, or
6 (3) companion services, as defined in section 20-670 of the general
7 statutes, provided by (A) a homemaker-companion agency, as defined
8 in section 20-670 of the general statutes, (B) a homemaker-home health
9 aide agency, as defined in section 19a-490 of the general statutes, or (C)
10 a registry, as defined in section 20-670 of the general statutes, shall be
11 deemed the employer of any individual referred to, supplied to or
12 placed with such consumer by such agency or registry to provide the
13 services described in subdivisions (1) to (3), inclusive, of this
14 subsection.

15 (b) Notwithstanding the provisions of section 20-679a of the general

16 statutes, as amended by this act, no consumer shall be liable, during
17 the duration of time any individual provides any service described in
18 subdivisions (1) to (3), inclusive, of subsection (a) of this section to
19 such consumer, for (1) payment of contributions for the purposes of
20 compliance with chapter 567 of the general statutes, in relation to such
21 individual, (2) payment of workers' compensation insurance for the
22 purposes of chapter 568 of the general statutes, in relation to such
23 individual, or (3) payment of wages for the purposes of compliance
24 with chapter 558 of the general statutes, in relation to such individual.

25 (c) Any consumer who receives any service described in
26 subdivisions (1) to (3), inclusive, of subsection (a) of this section
27 provided by an individual referred to, supplied to or placed with such
28 consumer by an agency or registry described in subparagraphs (A) to
29 (C), inclusive, of subsection (a) of this section shall be immune from
30 civil liability for any damage, injury or financial harm to such
31 individual resulting from any act, error or omission of the consumer,
32 unless such damage, injury or financial harm was caused by the
33 reckless, wilful or wanton misconduct of the consumer.

34 Sec. 2. Subsection (b) of section 20-679a of the general statutes is
35 repealed and the following is substituted in lieu thereof (*Effective*
36 *October 1, 2015*):

37 (b) Each notice provided to a consumer pursuant to subsection (a) of
38 this section shall be written in plain language and shall comply with
39 the plain language standard detailed in section 42-152. Such notice
40 shall include a statement identifying the registry as an employer, joint
41 employer, leasing employer or nonemployer, as applicable, along with
42 a statement advising the consumer he or she may be considered an
43 employer under law and, if that is the case, the consumer may be held
44 responsible for the payment of federal and state taxes, Social Security,
45 overtime and minimum wage, unemployment, workers' compensation
46 insurance payments and any other applicable payment required under
47 state or federal law, except as excluded under section 1 of this act. The

48 notice shall also include a statement that the consumer should consult
49 a tax professional if he or she is uncertain about his or her
50 responsibility for the payment of such taxes or payments.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>October 1, 2015</i>	20-679a(b)

Statement of Purpose:

To prevent consumers who receive certain services from an individual provided by a homemaker-companion agency, homemaker-home health aide agency or registry from being responsible for unemployment compensation, workers' compensation and wages as they relate to the individual.

[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.]