

TESTIMONY – BANKS COMMITTEE PUBLIC HEARING FEBRUARY 19, 2015 – 10:00 A.M.

Re: An Act Concerning Requirements for Filing of a Mechanics Lien

Submitted by: Joyce A. Wojtas, Mechanical Contractors Association of Connecticut (MCAC)

MCAC is concerned about the language in this bill amending C.G.S. Section 49-34, stating that a mechanics lien will not be valid unless, in addition to existing requirements, the person performing the services or furnishing the materials **“holds the appropriate registration or license to perform the services.”**

First and foremost, who is going to investigate this provision and take enforcement action? Since the town clerk of the town where the construction services take place is where the mechanics lien is filed, it would appear that is where the lien will be either accepted or rejected. However, there are other issues with this bill.

To the best of my knowledge, there is no registration or license required for material suppliers by DCP Connecticut is not lean when it comes to registering and licensing people and businesses including:

- New Home Construction Contractors (Chapter 399a) – Residential Only
- Swimming Pool Contractors (Chapter 399b) All Construction
- Home Improvement Contractors (Chapter 400) Residential Only
- Asbestos Contractors (Chapter 400a) All Construction
- Lead Abatement Contractors (Chapter 400c) All Construction
- Occupational – Electricians, Plumbers, Solar, Hearing, Piping, Cooling, etc. (Chapter 393) All
- Subsurface Sewage Disposal Systems Intallers (Chapter 393a) All Construction
- Mechanical Contractors (Chapter 393b) All Except Residential or 10 or less Employees
- \*Major Contractors (Chapter 393c) Structures that Exceed Threshold Limits in Sec.29-276b

\*Sec.20-341gg. (a) As used in this section, “major contractor” means (1) any person engaged in the business of construction, structural repair, structural alteration, dismantling or demolition of a structure or addition that exceeds the threshold limits provided in section 29-276b, or (2) any person who, under the direction of a general contractor, performs or offers to perform any work that impacts upon the structural integrity of a structure or addition, including repair, alteration, dismantling or demolition of a structure or addition that exceeds the threshold limits provided in section 29-276b. Such work includes, but is not limited to, roofing, masonry and structural frame work.

So, bottom line, there are contractors out there who are not required to register or obtain a license to perform certain types of work on construction projects that are neither residential and/or that exceeds the threshold limits or is considered work that impacts upon the structural integrity of a structure. This bill would deny then the opportunity to file a mechanics lien if they did not get paid for their services. It could also negatively impact the material suppliers if not written more clearly.

Thank you for your time.

For further information contact: [joyce.wojtas@outlook.com](mailto:joyce.wojtas@outlook.com) or 860-691-3044 or 860-280-4623