

**Proposed Substitute
Bill No. 975**

LCO No. 5186

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 Section 7-173 of the general statutes is repealed and the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

3 Any organization desiring to operate a bazaar or raffle in a
4 municipality which has adopted the provisions of sections 7-170 to 7-
5 186, inclusive, shall make application, [in duplicate,] duly executed
6 and verified, to the Commissioner of Consumer Protection on a form
7 to be prescribed by the commissioner, in which shall be stated (1) the
8 name and address of the applicant; (2) facts relating to its
9 incorporation or organization; (3) the names, titles and addresses of its
10 officers; (4) the kind of bazaar or raffle intended to be held, operated
11 and conducted by the applicant; (5) the place where such bazaar or
12 raffle is intended to be conducted by the applicant under the permit
13 applied for; (6) the date or dates and the time or times when such
14 bazaar or raffle is intended to be conducted by the applicant under the
15 permit applied for; (7) in the case of a raffle, the number and price of
16 tickets intended to be sold; (8) the items of expense intended to be
17 incurred or paid in connection with the holding, operating and
18 conducting of such bazaar or raffle and the names and addresses of the

19 persons to whom, and the purposes for which, they are to be paid; (9)
20 the items of merchandise offered, the price to be paid by the
21 organization therefor or the retail value of any prize donated, and the
22 names and addresses of the persons from whom purchased or by
23 whom donated; (10) the specific purposes to which the entire net
24 proceeds of such bazaar or raffle are to be devoted and in what
25 manner; and (11) any other information which the commissioner
26 reasonably requires for the protection of the public. In each application
27 there shall be designated three active members of the applicant under
28 whom the bazaar or raffle described in the application is to be held,
29 operated and conducted and to the application shall be appended a
30 statement signed, under penalty of false statement, by such members
31 so designated that they are residents of this state and will be
32 responsible for the holding, operation and conduct of such bazaar or
33 raffle in accordance with the terms of the permit and the provisions of
34 said sections, and that the statements contained in the application are,
35 to the best of their knowledge and belief, true. [The commissioner shall
36 forward the duplicate copy of such application to the chief of police of
37 the municipality or, if there is no police department, to the chief
38 executive officer of the municipality. For the purposes of applying for
39 a "Class No. 7" permit, authorized pursuant to section 7-175, the
40 application required pursuant to this section shall be retained by the
41 commissioner.]

42 Sec. 2. Section 7-176 of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective October 1, 2015*):

44 The fees to be charged for permits and submitted to the
45 Commissioner of Consumer Protection at the time of application shall
46 be as follows: A "Class No. 1" permit, fifty dollars, twenty-five dollars
47 to be retained by the state at the time application for the permit is
48 made and twenty-five dollars remitted to the municipality upon
49 issuance of the permit; a "Class No. 2" permit, twenty dollars, ten
50 dollars to be retained by the state at the time application for the permit
51 is made and ten dollars to be remitted to the municipality upon
52 issuance of the permit; a "Class No. 3" permit, twenty dollars for each

53 day of the bazaar, ten dollars to be retained by the state at the time
54 application for the permit is made and ten dollars to be remitted to the
55 municipality upon issuance of the permit; a "Class No. 4" permit, five
56 dollars, to be remitted to the municipality; a "Class No. 5" permit,
57 eighty dollars, forty dollars to be retained by the state at the time
58 application for the permit is made and forty dollars remitted to the
59 municipality upon issuance of the permit; a "Class No. 6" permit, one
60 hundred dollars, fifty dollars to be retained by the state at the time
61 application for the permit is made and fifty dollars remitted to the
62 municipality upon issuance of the permit; and a "Class No. 7" permit,
63 one hundred dollars to be retained by the state.

64 Sec. 3. Subsection (h) of section 7-185a of the general statutes is
65 repealed and the following is substituted in lieu thereof (*Effective*
66 *October 1, 2015*):

67 (h) (1) Any sponsoring organization qualified to conduct a bazaar or
68 raffle under the provisions of section 7-172 may operate a golf ball-
69 drop raffle once each calendar year. Any such raffle shall conform to
70 the provisions of sections 7-170 to 7-186, inclusive, and shall be subject
71 to regulation by the Commissioner of Consumer Protection. For the
72 [purpose] purposes of this subsection, "golf ball-drop raffle" means a
73 raffle in which golf balls, numbered consecutively to correspond with
74 the number of tickets sold for such raffle, are dropped from a pay
75 loader, bucket truck, crane or similar vehicle, platform, helicopter, hot
76 air balloon or other aircraft hovering above a designated target, and in
77 which the ticket corresponding to the number of the first golf ball to be
78 closest to the center of the designated target is the winning ticket. (2)
79 The commissioner shall adopt regulations, in accordance with chapter
80 54, establishing procedures for the operation of golf ball-drop raffles.

81 Sec. 4. Section 20-304a of the general statutes is repealed and the
82 following is substituted in lieu thereof (*Effective October 1, 2015*):

83 (a) The board may issue an automatic fire sprinkler system layout
84 technician's license to any person who has received level III

85 certification from the National Institute for Certification in Engineering
86 Technologies in the field of fire protection engineering technology or a
87 subfield of automatic sprinkler system layout. Any person who is a
88 professional engineer licensed in accordance with the provisions of
89 this chapter [, a plumbing and piping journeyman licensed pursuant to
90 chapter 393, a plumbing and piping contractor licensed pursuant to
91 chapter 393 or a journeyman sprinkler fitter licensed pursuant to
92 chapter 393] shall be exempt from such licensing requirement.

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

99 Sec. 5. Section 20-417i of the general statutes is repealed and the
100 following is substituted in lieu thereof (*Effective October 1, 2015, and*
101 *applicable to orders and decrees entered into on and after said date*):

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

104 (b) Each person who receives a certificate pursuant to sections 20-
105 417a to 20-417j, inclusive, shall pay a fee of four hundred eighty dollars
106 biennially to the fund. Such fee shall be payable with the fee for an
107 application for a certificate or renewal of a certificate.

108 (c) (1) For fiscal years commencing on or after July 1, 2003,
109 payments received under subsection (b) of this section shall be
110 credited to the New Home Construction Guaranty Fund until the
111 balance in the fund equals seven hundred fifty thousand dollars.
112 Annually, if the balance in the fund exceeds seven hundred fifty
113 thousand dollars, the first three hundred thousand dollars of the
114 excess shall be deposited in the consumer protection enforcement
115 account established in section 21a-8a. On June 1, 2004, and each June
116 first thereafter, if the balance in the fund exceeds seven hundred fifty

117 thousand dollars, the excess shall be deposited in the General Fund.

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

122 (d) Beginning October 1, 2000, whenever a consumer obtains a court
123 judgment, order or decree against any new home construction
124 contractor holding a certificate or who has held a certificate under
125 sections 20-417a to 20-417j, inclusive, within the past two years of the
126 date of entering into the contract with the consumer, for loss or
127 damages sustained by reason of any violation of the provisions of
128 sections 20-417a to 20-417j, inclusive, by a person holding a certificate
129 under said sections, such consumer may, upon the final determination
130 of, or expiration of time for taking [] an appeal in connection with any
131 such judgment, order or decree, apply to the commissioner for an
132 order directing payment out of the New Home Construction Guaranty
133 Fund of the amount, not exceeding thirty thousand dollars, unpaid
134 upon the judgment, order or decree for actual damages and costs taxed
135 by the court against such contractor, exclusive of punitive damages.
136 The application shall be made on forms provided by the commissioner
137 and shall be accompanied by a [certified] copy of the court judgment,
138 order or decree obtained against the new home construction contractor
139 together with a notarized affidavit, signed and sworn to by the
140 consumer, affirming that the consumer has: (1) Complied with all the
141 requirements of this subsection; (2) obtained a judgment, order or
142 decree stating the amount of the judgment, order or decree and the
143 amount owing on the judgment, order or decree at the date of
144 application; and (3) made a good faith effort to satisfy any such
145 judgment, order or decree in accordance with the provisions of chapter
146 906 which effort may include causing to be issued a writ of execution
147 upon such judgment, order or decree but the officer executing the
148 same has made a return showing that no bank accounts or personal
149 property of such contractor liable to be levied upon in satisfaction of
150 the judgment, order or decree could be found, or that the amount

151 realized on the sale of them or of such of them as were found, under
152 the execution, was insufficient to satisfy the actual damage portion of
153 the judgment, order or decree or stating the amount realized and the
154 balance remaining due on the judgment, order or decree after
155 application on the judgment, order or decree of the amount realized,
156 except that the requirements of this subdivision shall not apply to a
157 judgment, order or decree obtained by the consumer in small claims
158 court. A true and attested copy of such executing officer's return, when
159 required, shall be attached to such application and affidavit. Whenever
160 the consumer satisfies the commissioner or the commissioner's
161 designee that it is not practicable to comply with the requirements of
162 subdivision (3) of this subsection and that the consumer has taken all
163 reasonable steps to collect the amount of the judgment, order or decree
164 or the unsatisfied part of the judgment, order or decree and has been
165 unable to collect the same, the commissioner or the commissioner's
166 designee may, in the commissioner's or the commissioner's designee's
167 discretion, dispense with the necessity for complying with such
168 requirement. No application for an order directing payment out of the
169 fund shall be made later than two years from the final determination
170 of, or expiration of time for taking [] an appeal of such court
171 judgment, order or decree and no such application shall be for an
172 amount in excess of thirty thousand dollars.

173 (e) Upon receipt of such application together with such [certified]
174 copy of the court judgment, order or decree, notarized affidavit and,
175 except as otherwise provided in subsection (d) of this section, true and
176 attested copy of the executing officer's return, the commissioner or the
177 commissioner's designee shall inspect such documents for their
178 veracity and upon a determination that such documents are complete
179 and authentic and that the consumer has not been paid, the
180 commissioner shall order payment out of the New Home Construction
181 Guaranty Fund of the amount not exceeding thirty thousand dollars
182 unpaid upon the judgment, order or decree for actual damages and
183 costs taxed by the court against the contractor, exclusive of punitive
184 damages.

185 (f) Beginning October 1, 2000, whenever a consumer is awarded an
186 order of restitution against any new home construction contractor for
187 loss or damages sustained as a result of any violation of the provisions
188 of sections 20-417a to 20-417j, inclusive, by a person holding a
189 certificate or who has held a certificate under said sections within the
190 past two years of the date of entering into the contract with the
191 consumer, in (1) a proceeding brought by the commissioner pursuant
192 to subsection (h) of this section or subsection (d) of section 42-110d, as
193 amended by this act, (2) a proceeding brought by the Attorney General
194 pursuant to subsection (a) of section 42-110m or subsection (d) of
195 section 42-110d, as amended by this act, or (3) a criminal proceeding
196 pursuant to section 20-417e, such consumer may, upon the final
197 determination of, or expiration of time for taking, an appeal in
198 connection with any such order of restitution, apply to the
199 commissioner for an order directing payment out of the New Home
200 Construction Guaranty Fund of the amount not exceeding thirty
201 thousand dollars unpaid upon the order of restitution. The
202 commissioner may issue such order upon a determination that the
203 consumer has not been paid.

204 (g) Before the commissioner may issue any order directing payment
205 out of the New Home Construction Guaranty Fund to a consumer
206 pursuant to subsection (e) or (f) of this section, the commissioner shall
207 first notify the new home construction contractor of the consumer's
208 application for an order directing payment out of the fund and of the
209 new home construction contractor's right to a hearing to contest the
210 disbursement in the event that such contractor has already paid the
211 consumer. Such notice shall be given to the new home construction
212 contractor not later than fifteen days [from the] after receipt by the
213 commissioner of the consumer's application for an order directing
214 payment out of the fund. If the new home construction contractor
215 requests a hearing, in writing, by certified mail not later than fifteen
216 days [from receipt of] after receiving the notice from the commissioner,
217 the commissioner shall grant such request and shall conduct a hearing
218 in accordance with the provisions of chapter 54. If the commissioner

219 does not receive a written request for a hearing by certified mail from
220 the new home construction contractor on or before the fifteenth day
221 from the contractor's receipt of such notice, the commissioner shall
222 conclude that the consumer has not been paid, and the commissioner
223 shall issue an order directing payment out of the fund for the amount
224 not exceeding thirty thousand dollars unpaid upon the judgment for
225 actual damages and costs taxed by the court against the new home
226 construction contractor, exclusive of punitive damages, or for the
227 amount not exceeding thirty thousand dollars unpaid upon the order
228 of restitution.

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

252 (i) No application for an order directing payment out of the New

253 Home Construction Guaranty Fund shall be made later than two years
254 from the final determination of, or expiration of time for, an appeal in
255 connection with any judgment, [or] order or decree of restitution, and
256 no such application shall be for an amount in excess of thirty thousand
257 dollars.

258 (j) In order to preserve the integrity of the New Home Construction
259 Guaranty Fund, the commissioner, in the commissioner's sole
260 discretion, may order payment out of the fund of an amount less than
261 the actual loss or damages incurred by the consumer or less than the
262 order of restitution awarded by the commissioner or the Superior
263 Court. In no event shall any payment out of the fund be in excess of
264 thirty thousand dollars for any single claim by a consumer.

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

271 (l) Whenever the commissioner has caused any sum to be paid from
272 the New Home Construction Guaranty Fund to a consumer, the
273 commissioner shall be subrogated to all of the rights of the consumer
274 up to the amount paid plus reasonable interest, and prior to receipt of
275 any payment from the fund, the consumer shall assign all of the
276 consumer's right, title and interest in the claim up to such amount to
277 the commissioner, and any amount and interest recovered by the
278 commissioner on the claim shall be deposited [to] in the fund.

279 (m) If the commissioner orders the payment of any amount as a
280 result of a claim against a new home construction contractor, the
281 commissioner shall determine if such contractor is possessed of assets
282 liable to be sold or applied in satisfaction of the claim on the New
283 Home Construction Guaranty Fund. If the commissioner discovers any
284 such assets, the commissioner may request that the Attorney General

285 take any action necessary for the reimbursement of the fund.

286 (n) If the commissioner orders the payment of an amount as a result
287 of a claim against a new home construction contractor, the
288 commissioner may, after notice and hearing in accordance with the
289 provisions of chapter 54, revoke the certificate of such contractor and
290 such contractor shall not be eligible to receive a new or renewed
291 certificate until such contractor has repaid such amount in full, plus
292 interest from the time such payment is made from the New Home
293 Construction Guaranty Fund, at a rate to be in accordance with section
294 37-3b, except that the commissioner may, in the commissioner's sole
295 discretion, permit a new home construction contractor to receive a new
296 or renewed certificate after such contractor has entered into an
297 agreement with the commissioner whereby such contractor agrees to
298 repay the fund in full in the form of periodic payments over a set
299 period of time. Any such agreement shall include a provision
300 providing for the summary suspension of any and all certificates held
301 by the new home construction contractor if payment is not made in
302 accordance with the terms of the agreement.

303 Sec. 6. Section 20-432 of the general statutes is repealed and the
304 following is substituted in lieu thereof (*Effective October 1, 2015, and*
305 *applicable to orders and decrees entered into on and after said date*):

306 (a) The commissioner shall establish and maintain the Home
307 Improvement Guaranty Fund.

308 (b) Each salesman who receives a certificate pursuant to this chapter
309 shall pay a fee of forty dollars annually. Each contractor who receives a
310 certificate pursuant to this chapter shall pay a fee of one hundred
311 dollars annually to the guaranty fund. Said fee shall be payable with
312 the fee for an application for a certificate or renewal thereof. The
313 annual fee for a contractor who receives a certificate of registration as a
314 home improvement contractor acting solely as the contractor of record
315 for a corporation [,] shall be waived, provided the contractor of record
316 shall use such registration for the sole purpose of directing,

317 supervising or performing home improvements for such corporation.

318 (c) Payments received under subsection (b) of this section shall be
319 credited to the guaranty fund until the balance in such fund equals
320 seven hundred fifty thousand dollars. Annually, if such fund has an
321 excess, the first four hundred thousand dollars of the excess shall be
322 deposited into the consumer protection enforcement account
323 established in section 21a-8a. Any excess thereafter shall be deposited
324 in the General Fund. Any money in the guaranty fund may be invested
325 or reinvested in the same manner as funds of the state employees
326 retirement system, and the interest arising from such investments shall
327 be credited to the guaranty fund.

328 (d) Whenever an owner obtains a court judgment, order or decree
329 against any contractor holding a certificate or who has held a
330 certificate under this chapter within the past two years of the effective
331 date of entering into the contract with the owner, for loss or damages
332 sustained by reason of performance of or offering to perform a home
333 improvement within this state by a contractor holding a certificate
334 under this chapter, such owner may, upon the final determination of,
335 or expiration of time for [] taking an appeal in connection with any
336 such judgment, order or decree, apply to the commissioner for an
337 order directing payment out of said guaranty fund of the amount
338 unpaid upon the judgment, order or decree, for actual damages and
339 costs taxed by the court against the contractor, exclusive of punitive
340 damages. The application shall be made on forms provided by the
341 commissioner and shall be accompanied by a copy of the court
342 judgment, order or decree obtained against the contractor together
343 with a notarized affidavit, signed and sworn to by the owner,
344 affirming that: (1) He or she has complied with all the requirements of
345 this subsection; (2) he or she has obtained a judgment, order or decree,
346 stating the amount thereof and the amount owing thereon at the date
347 of application; and (3) he or she has caused to be issued a writ of
348 execution upon said judgment, order or decree and the officer
349 executing the same has made a return showing that no bank accounts
350 or personal property of the contractor liable to be levied upon in

351 satisfaction of the judgment, order or decree could be found, or that
352 the amount realized on the sale of them or of such of them as were
353 found, under the execution, was insufficient to satisfy the actual
354 damage portion of the judgment, order or decree or stating the amount
355 realized and the balance remaining due on the judgment, order or
356 decree after application thereon of the amount realized, except that the
357 requirements of this subdivision shall not apply to a judgment, order
358 or decree obtained by the owner in small claims court. A true and
359 attested copy of said executing officer's return, when required, shall be
360 attached to such application and affidavit. No application for an order
361 directing payment out of the guaranty fund shall be made later than
362 two years [from] after the final determination of, or expiration time for
363 [] taking an appeal of said court judgment, order or decree.

364 (e) Upon receipt of said application together with said copy of the
365 court judgment, order or decree, notarized affidavit and true and
366 attested copy of the executing officer's return, the commissioner or his
367 designee shall inspect such documents for their veracity and upon a
368 determination that such documents are complete and authentic, and a
369 determination that the owner has not been paid, the commissioner
370 shall order payment out of the guaranty fund of the amount unpaid
371 upon the judgment, order or decree for actual damages and costs taxed
372 by the court against the contractor, exclusive of punitive damages.

373 (f) Whenever an owner is awarded an order of restitution against
374 any contractor for loss or damages sustained by reason of performance
375 of or offering to perform a home improvement in this state by a
376 contractor holding a certificate or who has held a certificate under this
377 chapter within the past two years of the date of entering into the
378 contract with the owner, in a proceeding brought by the commissioner
379 pursuant to this section or subsection (d) of section 42-110d, as
380 amended by this act, or in a proceeding brought by the Attorney
381 General pursuant to subsection (a) of section 42-110m or subsection (d)
382 of section 42-110d, as amended by this act, or a criminal proceeding
383 pursuant to section 20-427, such owner may, upon the final
384 determination of, or expiration of time for [] taking an appeal in

385 connection with any such order of restitution, apply to the
386 commissioner for an order directing payment out of said guaranty
387 fund of the amount unpaid upon the order of restitution. The
388 commissioner may issue said order upon a determination that the
389 owner has not been paid.

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

413 (h) The commissioner or his designee may proceed against any
414 contractor holding a certificate or who has held a certificate under this
415 chapter within the past two years of the effective date of entering into
416 the contract with the owner, for an order of restitution arising from
417 loss or damages sustained by any person by reason of such contractor's
418 performance of or offering to perform a home improvement in this

419 state. Any such proceeding shall be held in accordance with the
420 provisions of chapter 54. In the course of such proceeding, the
421 commissioner or his designee shall decide whether to exercise his
422 powers pursuant to section 20-426; whether to order restitution arising
423 from loss or damages sustained by any person by reason of such
424 contractor's performance or offering to perform a home improvement
425 in this state; and whether to order payment out of the guaranty fund.
426 Notwithstanding the provisions of chapter 54, the decision of the
427 commissioner or his designee shall be final with respect to any
428 proceeding to order payment out of the guaranty fund and the
429 commissioner and his designee [are exempted from] shall not be
430 subject to the requirements of chapter 54 as they relate to appeal from
431 any such decision. The commissioner or his designee may hear
432 complaints of all owners submitting claims against a single contractor
433 in one proceeding.

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

438 (j) Whenever the owner satisfies the commissioner or his designee
439 that it is not practicable to comply with the requirements of
440 subdivision (3) of subsection (d) of this section and that the owner has
441 taken all reasonable steps to collect the amount of the judgment or the
442 unsatisfied part thereof and has been unable to collect the same, the
443 commissioner or his designee may in his discretion dispense with the
444 necessity for complying with such requirement.

445 (k) In order to preserve the integrity of the guaranty fund, the
446 commissioner, in the commissioner's sole discretion, may order
447 payment out of said fund of an amount less than the actual loss or
448 damages incurred by the owner or less than the order of restitution
449 awarded by the commissioner or the Superior Court. In no event shall
450 any payment out of said guaranty fund be in excess of fifteen thousand
451 dollars for any single claim by an owner.

452 (l) If the money deposited in the guaranty fund is insufficient to
453 satisfy any duly authorized claim or portion thereof, the commissioner
454 shall, when sufficient money has been deposited in the fund, satisfy
455 such unpaid claims or portions thereof, in the order that such claims or
456 portions thereof were originally determined.

457 (m) [When] Whenever the commissioner has caused any sum to be
458 paid from the guaranty fund to an owner, the commissioner shall be
459 subrogated to all of the rights of the owner up to the amount paid plus
460 reasonable interest, and prior to receipt of any payment from the
461 guaranty fund, the owner shall assign all of this right, title and interest
462 in the claim up to such amount to the commissioner, and any amount
463 and interest recovered by the commissioner on the claim shall be
464 deposited to the guaranty fund.

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

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

485 with the terms of the agreement.

486 Sec. 7. Subsection (a) of section 20-515 of the general statutes is
487 repealed and the following is substituted in lieu thereof (*Effective*
488 *October 1, 2015*):

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

511 Sec. 8. Subsection (d) of section 42-110d of the general statutes is
512 repealed and the following is substituted in lieu thereof (*Effective*
513 *October 1, 2015*):

514 (d) Said commissioner, in conformance with sections 4-176e to 4-
515 185, inclusive, whenever he has reason to believe that any person has
516 been engaged or is engaged in an alleged violation of any provision of

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

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