



General Assembly

**Substitute Bill No. 395**

February Session, 2016



**AN ACT CONCERNING WAGE THEFT AND ALCOHOLIC LIQUOR  
PERMIT NONRENEWAL AND ENGLISH LANGUAGE REQUIREMENTS  
FOR THE ISSUANCE OF ALCOHOLIC LIQUOR PERMITS.**

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

1 Section 1. Section 31-72 of the 2016 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective from passage*):

4 (a) When any employer fails to pay an employee wages in  
5 accordance with the provisions of sections 31-71a to 31-71i, inclusive,  
6 or fails to compensate an employee in accordance with section 31-76k  
7 or where an employee or a labor organization representing an  
8 employee institutes an action to enforce an arbitration award which  
9 requires an employer to make an employee whole or to make  
10 payments to an employee welfare fund, such employee or labor  
11 organization shall recover, in a civil action, (1) twice the full amount of  
12 such wages, with costs and such reasonable attorney's fees as may be  
13 allowed by the court, or (2) if the employer establishes that the  
14 employer had a good faith belief that the underpayment of wages was  
15 in compliance with law, the full amount of such wages or  
16 compensation, with costs and such reasonable attorney's fees as may  
17 be allowed by the court. Any agreement between an employee and his  
18 or her employer for payment of wages other than as specified in said

19 sections shall be no defense to such action. The Labor Commissioner  
20 may collect the full amount of any such unpaid wages, payments due  
21 to an employee welfare fund or such arbitration award, as well as  
22 interest calculated in accordance with the provisions of section 31-265  
23 from the date the wages or payment should have been received, had  
24 payment been made in a timely manner. In addition, the Labor  
25 Commissioner may bring any legal action necessary to recover twice  
26 the full amount of unpaid wages, payments due to an employee  
27 welfare fund or arbitration award, and the employer shall be required  
28 to pay the costs and such reasonable attorney's fees as may be allowed  
29 by the court. The commissioner shall distribute any wages, arbitration  
30 awards or payments due to an employee welfare fund collected  
31 pursuant to this section to the appropriate person.

32 (b) The Labor Commissioner shall notify the Commissioner of  
33 Consumer Protection, in writing, of the name and address of any  
34 employer holding a permit issued pursuant to title 30 authorizing the  
35 sale or serving of alcoholic liquor on such employer's premises when  
36 such employer has (1) paid or agreed to pay less than the minimum  
37 fair wage or overtime wage in violation of section 31-60, (2) withheld,  
38 diverted or failed to pay wages in violation of any provision of sections  
39 31-71a to 31-71e, inclusive, (3) employed an employee for a workweek  
40 longer than forty hours without providing remuneration for his or her  
41 employment in violation of section 31-76c, or (4) failed to compensate  
42 an employee in violation of section 31-76k.

43 Sec. 2. Section 30-55a of the general statutes is repealed and the  
44 following is substituted in lieu thereof (*Effective from passage*):

45 (a) The Department of Consumer Protection shall, upon notice from  
46 the administrator of the Unemployment Compensation Act of the  
47 name and address of any employer subject to chapter 567 who has  
48 failed to file any return or to pay the contributions prescribed under  
49 the provisions of said chapter, suspend the permit of such employer  
50 until written notice from the administrator has been received that the  
51 returns have been filed and the contributions, including interest, have

52 been paid.

53 (b) When any permit premises where alcoholic liquor is consumed  
54 on the premises emits noise which, when measured at a radius of two  
55 hundred feet from the premises, as described in the permittee's  
56 application for a liquor permit, exceeds the ambient noise standard for  
57 the land use classification for the location at which such measurement  
58 is made, as established by the Department of Energy and  
59 Environmental Protection pursuant to section 22a-69, the Department  
60 of Consumer Protection may suspend the permit to sell alcoholic  
61 liquor for three days for a first violation, five days for a second  
62 violation and fourteen days for any subsequent violation.

63 (c) The Commissioner of Consumer Protection shall, upon receiving  
64 notice from the Labor Commissioner, pursuant to subsection (b) of  
65 section 31-72, as amended by this act, consider such notice and may  
66 suspend the permit of such employer. The Commissioner of Consumer  
67 Protection shall not reinstate the permit until he or she has received  
68 written notice from the Labor Commissioner that the employer is in  
69 compliance with section 31-60, sections 31-71a to 31-71e, inclusive, and  
70 sections 31-76c and 31-76k.

71 Sec. 3. Subsection (c) of section 30-6a of the general statutes is  
72 repealed and the following is substituted in lieu thereof (*Effective from*  
73 *passage*):

74 (c) The department shall not adopt or enforce any regulation: (1)  
75 Requiring prior approval of alterations or changes in the interior or  
76 exterior of permit premises; (2) requiring prior approval for live  
77 entertainment or the installation of amusement devices or games; (3)  
78 requiring registration of employees or agents of permittees; (4)  
79 requiring the presence of retail permittees on permit premises during  
80 hours of sale or prohibiting employment of such permittees in another  
81 occupation or business except as provided in section 30-45; [or] (5)  
82 establishing a mandated minimum price above which a permittee  
83 must sell; or (6) prohibiting the issuance of a permit to an applicant

84 who is unable to read and understand English.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	31-72
Sec. 2	<i>from passage</i>	30-55a
Sec. 3	<i>from passage</i>	30-6a(c)

**GL**      *Joint Favorable Subst.*