



# Senate

General Assembly

**File No. 93**

February Session, 2018

Substitute Senate Bill No. 193

*Senate, March 28, 2018*

The Committee on General Law reported through SEN. LEONE of the 27th Dist. and SEN. WITKOS of the 8th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING REVISIONS TO DEPARTMENT OF CONSUMER PROTECTION STATUTES.***

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

1 Section 1. Section 21a-118 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) For the purpose of enforcing the provisions of chapter 417,  
4 chapter 419b, except with regard to permittees holding both a  
5 restaurant and a bakery permit and this chapter, the commissioner, or  
6 his authorized representative, is authorized (1) to enter, at reasonable  
7 times, any factory, warehouse or establishment subject to this chapter,  
8 or to enter any vehicle being used to transport or hold food, drugs,  
9 devices or cosmetics in intrastate commerce, and (2) to inspect, at  
10 reasonable times, such factory, warehouse, establishment or vehicle  
11 and all pertinent equipment, finished and unfinished materials,  
12 containers, labeling and advertisements, records, files and papers  
13 therein.

14 (b) If an inspection reveals a violation of any provision of this  
15 chapter concerning a food factory, food warehouse or food  
16 establishment, the commissioner shall notify the owner of such factory,  
17 warehouse or establishment of any such violation and his right to a  
18 hearing under this section by certified mail within fifteen days of the  
19 date of such original inspection. Such owner may contest the violations  
20 cited in such notice by requesting a hearing in writing by certified mail  
21 within fifteen days of the date of receipt of such notice. The  
22 commissioner shall grant such a request and conduct a hearing in  
23 accordance with the provisions of chapter 54. The cost of all  
24 reinspections necessary to determine compliance with any such  
25 provision shall be forty dollars an hour and shall be charged to such  
26 owner, except that if the first reinspection following the original  
27 inspection indicates compliance with such provision no charge shall be  
28 made.

29 (c) If an inspection reveals a violation of any provision of chapter  
30 ~~417, chapter 419b~~ or this chapter concerning any food, drug, cosmetic  
31 or device by any establishment licensed or registered in accordance  
32 with the provisions of [chapter 417] said chapters, the commissioner  
33 may impose a civil penalty of not more than five hundred dollars per  
34 separate violation, and suspend or revoke the license or registration of  
35 such establishment after notice and a hearing conducted in accordance  
36 with the provisions of chapter 54.

37 Sec. 2. Subsection (b) of section 30-39 of the general statutes is  
38 repealed and the following is substituted in lieu thereof (*Effective from*  
39 *passage*):

40 (b) (1) Any person desiring a liquor permit or a renewal of such a  
41 permit shall make a sworn application therefor to the Department of  
42 Consumer Protection upon forms to be furnished by the department,  
43 showing the name and address of the applicant and of the applicant's  
44 backer, if any, the location of the club or place of business which is to  
45 be operated under such permit and a financial statement setting forth  
46 all elements and details of any business transactions connected with

47 the application. Such application shall include a detailed description of  
48 the type of live entertainment that is to be provided. A club or place of  
49 business shall be exempt from providing such detailed description if  
50 the club or place of business (A) was issued a liquor permit prior to  
51 October 1, 1993, and (B) has not altered the type of entertainment  
52 provided. The application shall also indicate any crimes of which the  
53 applicant or the applicant's backer may have been convicted.  
54 Applicants shall submit documents sufficient to establish that state and  
55 local building, fire and zoning requirements and local ordinances  
56 concerning hours and days of sale will be met, except that local  
57 building and zoning requirements and local ordinances concerning  
58 hours and days of sale shall not apply to any class of airport permit.  
59 The State Fire Marshal or the marshal's certified designee shall be  
60 responsible for approving compliance with the State Fire Code at  
61 Bradley International Airport. Any person desiring a permit provided  
62 for in section 30-33b shall file a copy of such person's license with such  
63 application if such license was issued by the Department of Consumer  
64 Protection. The department may, at its discretion, conduct an  
65 investigation to determine whether a permit shall be issued to an  
66 applicant.

67 (2) The applicant shall pay to the department a nonrefundable  
68 application fee, which fee shall be in addition to the fees prescribed in  
69 this chapter for the permit sought. An application fee shall not be  
70 charged for an application to renew a permit. The application fee shall  
71 be in the amount of ten dollars for the filing of each application for a  
72 permit by a charitable organization, including a nonprofit public  
73 television corporation, a nonprofit golf tournament permit, a  
74 temporary permit or a special club permit; and for all other permits in  
75 the amount of one hundred dollars for the filing of an initial  
76 application. Any permit issued shall be valid only for the purposes and  
77 activities described in the application.

78 (3) The applicant, immediately after filing an application, shall give  
79 notice thereof, with the name and residence of the permittee, the type  
80 of permit applied for and the location of the place of business for

81 which such permit is to be issued and the type of live entertainment to  
82 be provided, all in a form prescribed by the department, by publishing  
83 the same in a newspaper having a circulation in the town in which the  
84 place of business to be operated under such permit is to be located, at  
85 least once a week for two successive weeks, the first publication to be  
86 not more than seven days after the filing date of the application and  
87 the last publication not more than fourteen days after the filing date of  
88 the application. The applicant shall affix, and maintain in a legible  
89 condition upon the outer door of the building wherein such place of  
90 business is to be located and clearly visible from the public highway,  
91 the placard provided by the department, not later than the day  
92 following the receipt of the placard by the applicant. If such outer door  
93 of such premises is so far from the public highway that such placard is  
94 not clearly visible as provided, the department shall direct a suitable  
95 method to notify the public of such application. When an application is  
96 filed for any type of permit for a building that has not been  
97 constructed, such applicant shall erect and maintain in a legible  
98 condition a sign not less than six feet by four feet upon the site where  
99 such place of business is to be located, instead of such placard upon  
100 the outer door of the building. The sign shall set forth the type of  
101 permit applied for and the name of the proposed permittee, shall be  
102 clearly visible from the public highway and shall be so erected not  
103 later than the day following the receipt of the placard. Such applicant  
104 shall make a return to the department, under oath, of compliance with  
105 the foregoing requirements, in such form as the department may  
106 determine, but the department may require any additional proof of  
107 such compliance. Upon receipt of evidence of such compliance, the  
108 department may hold a hearing as to the suitability of the proposed  
109 location. The provisions of this subdivision shall not apply to  
110 applications for airline permits, charitable organization permits,  
111 temporary permits, special club permits, concession permits, military  
112 permits, railroad permits, boat permits, warehouse permits, brokers'  
113 permits, out-of-state shippers' permits for alcoholic liquor and out-of-  
114 state shippers' permits for beer, coliseum permits, coliseum concession  
115 permits, special sporting facility restaurant permits, special sporting

116 facility employee recreational permits, special sporting facility guest  
117 permits, special sporting facility concession permits, special sporting  
118 facility bar permits, nonprofit golf tournament permits, nonprofit  
119 public television permits and renewals. The provisions of this  
120 subdivision regarding publication and placard display shall also be  
121 required of any applicant who seeks to amend the type of  
122 entertainment either upon filing of a renewal application or upon  
123 requesting permission of the department in a form that requires the  
124 approval of the municipal zoning official.

125 (4) In any case in which a permit has been issued to a partnership, if  
126 one or more of the partners dies or retires, the remaining partner or  
127 partners need not file a new application for the unexpired portion of  
128 the current permit, and no additional fee for such unexpired portion  
129 shall be required. Notice of any such change shall be given to the  
130 department and the permit shall be endorsed to show correct  
131 ownership. When any partnership changes by reason of the addition of  
132 one or more persons, a new application with new fees shall be  
133 required.

134 Sec. 3. Section 21a-2 of the general statutes is repealed and the  
135 following is substituted in lieu thereof (*Effective from passage*):

136 (a) A toll-free telephone line, available to consumers throughout the  
137 state, shall be established in the Department of Consumer Protection  
138 for the handling of consumer inquiries and complaints concerning  
139 consumer goods or services in the state or any other matter within the  
140 jurisdiction of the department and its licensing and regulatory boards.  
141 The line shall be in operation from 8:30 a.m. to 4:30 p.m. Monday  
142 through Friday each week, exclusive of those legal holidays on which  
143 state offices are closed, and shall be restricted to incoming calls.

144 (b) The Department of Consumer Protection shall process the intake  
145 of consumer complaints concerning consumer goods or services in the  
146 state and any other matter within the jurisdiction of the department. In  
147 order to assist in the resolution of consumer complaints, the  
148 department may notify, in writing, the respondent against whom a

149 complaint was received of the allegations against them and require a  
150 written response be provided to the department not later than thirty  
151 days of receipt of such notice.

152 (c) For purposes of this section, "credential holder" means a person  
153 certified, licensed, permitted or registered with the Department of  
154 Consumer Protection. In the event the department provides written  
155 notice to a respondent who is a credential holder that a complaint has  
156 been filed against him or her, and said respondent fails to respond not  
157 later than fourteen days of receipt of such notice, the commissioner  
158 may impose a fine of up to two hundred fifty dollars for failure to  
159 respond to the department. The commissioner may subsequently  
160 waive the imposition of the fine if the respondent demonstrates good  
161 cause for his or her failure to respond within the prescribed period.

162 (d) In the event the department provides written notice to a  
163 respondent who is not a credential holder that a complaint has been  
164 filed against him or her, and said respondent fails to respond after  
165 receipt of such notice, the respondent may be fined not more than two  
166 hundred fifty dollars for failure to respond to the department. Written  
167 notice for purposes of this section shall include notice sent by  
168 registered or certified mail or hand-delivered to a respondent.

169 Sec. 4. Subsection (b) of section 51-164n of the 2018 supplement to  
170 the general statutes is repealed and the following is substituted in lieu  
171 thereof (*Effective from passage*):

172 (b) Notwithstanding any provision of the general statutes, any  
173 person who is alleged to have committed (1) a violation under the  
174 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-  
175 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-  
176 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g,  
177 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section  
178 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-  
179 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-  
180 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-  
181 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or

182 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,  
183 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)  
184 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,  
185 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b  
186 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-  
187 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,  
188 14-153 or 14-163b, a first violation as specified in subsection (f) of  
189 section 14-164i, section 14-219 as specified in subsection (e) of said  
190 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-  
191 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,  
192 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h)  
193 of section 14-283, section 14-291, 14-293b, 14-296aa, 14-300, 14-300d, 14-  
194 319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1),  
195 (2) or (3) of section 14-386a, section 15-25 or 15-33, subdivision (1) of  
196 section 15-97, subsection (a) of section 15-115, section 16-44, 16-256e,  
197 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24,  
198 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137,  
199 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a,  
200 section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222,  
201 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336,  
202 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231,  
203 20-249, 20-257, 20-265, 20-324e, 20-341l, 20-366, 20-597, 20-608, 20-610,  
204 21-1, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63 or 21-76a, subsection (d) of  
205 section 21a-2, as amended by this act, subdivision (1) of section 21a-19,  
206 section 21a-21, subdivision (1) of subsection (b) of section 21a-25,  
207 section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-  
208 46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section  
209 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159,  
210 subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15,  
211 22-16, 22-26g, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-  
212 39c, 22-39d, 22-39e, 22-49 or 22-54, subsection (d) of section 22-84,  
213 section 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167, 22-279, 22-  
214 280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b), (e) or  
215 (f) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-  
216 415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e)

217 of section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and (d)  
218 of section 22a-381e, section 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-  
219 61b, subsection (a) or subdivision (1) of subsection (c) of section 23-65,  
220 section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d,  
221 25-135, 26-16, 26-18, 26-19, 26-21, 26-31, 26-31c, 26-40, 26-40a, 26-42, 26-  
222 49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d)  
223 of section 26-61, section 26-64, subdivision (1) of section 26-76, section  
224 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-  
225 117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (2) of  
226 subsection (j) of section 26-142a, subdivision (1) of subsection (b) of  
227 section 26-157b, subdivision (1) of section 26-186, section 26-207, 26-  
228 215, 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227,  
229 26-230, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286,  
230 26-288, 26-294, 28-13, 29-6a, 29-25, 29-143o, 29-143z or 29-156a,  
231 subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y or 29-  
232 161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277,  
233 subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a,  
234 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23,  
235 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52,  
236 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-  
237 74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-  
238 273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-  
239 230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of  
240 section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-  
241 8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-  
242 302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344,  
243 subsection (c) of section 53-344b, or section 53-450, or (2) a violation  
244 under the provisions of chapter 268, or (3) a violation of any regulation  
245 adopted in accordance with the provisions of section 12-484, 12-487 or  
246 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any  
247 town, city or borough, except violations of building codes and the  
248 health code, for which the penalty exceeds ninety dollars but does not  
249 exceed two hundred fifty dollars, unless such town, city or borough  
250 has established a payment and hearing procedure for such violation  
251 pursuant to section 7-152c, shall follow the procedures set forth in this



252 section.

253 Sec. 5. Section 21a-430 of the general statutes is repealed and the  
254 following is substituted in lieu thereof (*Effective from passage*):

255 (a) No person shall place or cause to be placed in a public place a  
256 donation bin for the donation of clothing or other articles unless such  
257 person has been granted permission to place such donation bin in such  
258 public place by the owner of such public place or by such owner's duly  
259 authorized agent and unless such bin contains a notice in block letters  
260 at least two inches high stating: (1) If the donation is for a charitable  
261 purpose, (A) the name of the nonprofit organization that will benefit  
262 from the donation, (B) the name and contact information of the owner  
263 of such bin, and (C) that the public may contact the Department of  
264 Consumer Protection for further information, or (2) if not intended for  
265 a charitable purpose, that such donation is not for a charitable purpose.  
266 Such notice shall be on the same side of the bin where the donation is  
267 likely to be made. As used in this section, "public place" means any  
268 area that is used or held out for use by the public, whether owned or  
269 operated by public or private interests, and "donation bin" means a  
270 large container commonly placed in a parking lot for the purpose of  
271 encouraging individuals to donate clothing or other items.

272 (b) Any person who violates any provision of subsection (a) of this  
273 section shall be fined not more than five hundred dollars.

274 Sec. 6. Section 42-150u of the general statutes is repealed and the  
275 following is substituted in lieu thereof (*Effective from passage*):

276 (a) No provision in a written contract for the purchase or lease of  
277 goods or services primarily for personal, family or household purposes  
278 that provides for the payment of liquidated damages in the event of a  
279 breach of the contract shall be enforceable unless (1) the contract  
280 contains a statement in boldface type at least twelve points in size  
281 immediately following such liquidated damages provision stating "I  
282 ACKNOWLEDGE THAT THIS CONTRACT CONTAINS A  
283 LIQUIDATED DAMAGES PROVISION", and (2) the person against

284 whom such provision is to be enforced signs such person's name or  
285 writes such person's initials next to such statement. Nothing in this  
286 section shall validate a clause that is a penalty clause or is otherwise  
287 invalid under the law of this state.

288 (b) For purposes of this subsection, "personal emergency response  
289 system" means a twenty-four-hour-per-day electronic alarm system  
290 placed in an adult's home that enables him or her to obtain immediate  
291 help in case of an emergency. In the event a consumer dies during the  
292 term of a consumer contract or consumer lease for a personal  
293 emergency response system, the consumer contract or consumer lease  
294 for such system shall be deemed terminated upon such consumer's  
295 death and any penalty provision contained in the contract or lease  
296 regarding early termination shall be unreasonable pursuant to section  
297 42-421.

298 [(b)] (c) The provisions of subsection (a) of this section shall not  
299 apply to (1) contracts between a consumer and an agency of the state  
300 or any political subdivision of the state or of the federal government,  
301 (2) negotiable instruments, (3) contract provisions for late fees,  
302 prepayment penalties or default interest rates, (4) contracts originated  
303 or held by an institution, or any subsidiary or affiliate of such  
304 institution, that is regulated by the Department of Banking or by a  
305 federal bank regulatory agency, provided, in the case of a contract  
306 originated or held by a subsidiary or affiliate of such institution, the  
307 subject matter of the contract is an activity that is financial in nature or  
308 incidental to such an activity as described in the Bank Holding  
309 Company Act, 12 USC 1843(k)(4), and (5) contracts originated or held  
310 by a person, firm or corporation licensed by the Department of Motor  
311 Vehicles in accordance with the provisions of section 14-52 or 14-67a.

312 Sec. 7. Section 20-306a of the general statutes is repealed and the  
313 following is substituted in lieu thereof (*Effective from passage*):

314 (a) The practice of or the offer to practice professional engineering in  
315 this state by individual licensed professional engineers or the practice  
316 of or the offer to practice land surveying in this state by individual

317 licensed land surveyors under the corporate form or by a corporation  
318 or limited liability company, a material part of the business of which  
319 includes engineering or land surveying, is permitted, provided (1)  
320 such personnel of such corporation or limited liability company as act  
321 in its behalf as engineers or land surveyors are licensed or exempt  
322 from licensure under the provisions of this chapter, and (2) such  
323 corporation or limited liability company has been issued a certificate of  
324 registration by the board as provided in this section. No such  
325 corporation or limited liability company shall be relieved of  
326 responsibility for the conduct or acts of its agents, employees or  
327 officers by reason of its compliance with the provisions of this section,  
328 nor shall any individual practicing engineering or land surveying be  
329 relieved of responsibility for engineering or land surveying services  
330 performed by reason of his employment or relationship with such  
331 corporation or limited liability company. All final drawings,  
332 specifications, plots, reports or other engineering or land surveying  
333 papers or documents involving the practice of engineering or land  
334 surveying which are prepared or approved by any such corporation or  
335 limited liability company or engineer or land surveyor for use of or for  
336 delivery to any person or for public record within this state shall be  
337 dated and bear the signature and seal of the engineer or land surveyor  
338 who prepared them or under whose supervision they were prepared.

339 (b) A qualifying corporation or limited liability company desiring a  
340 certificate of registration shall file with the board an application upon a  
341 form prescribed by the Department of Consumer Protection  
342 accompanied by [an] a nonrefundable application fee of five hundred  
343 sixty-five dollars. Each such certificate shall expire annually and shall  
344 be renewable upon payment of a fee of three hundred seventy-five  
345 dollars. If all requirements of this chapter are met, [the board shall  
346 authorize] the department [to] shall issue to such corporation or  
347 limited liability company a certificate of registration within thirty days  
348 of such application, provided the department or board may refuse to  
349 authorize the issuance of a certificate if any facts exist which would  
350 entitle the commissioner or board to suspend or revoke an existing  
351 certificate.

352 (c) Each such corporation or limited liability company shall file with  
353 the [board] department a designation of an individual or individuals  
354 licensed to practice engineering or land surveying in this state who  
355 shall be in charge of engineering or land surveying by such  
356 corporation or limited liability company in this state. Such corporation  
357 or limited liability company shall notify the [board] department of any  
358 change in such designation within thirty days after such change  
359 becomes effective.

360 (d) Individual members of a limited liability company or owners of  
361 a corporation that practices or offers to practice professional  
362 engineering or land surveying services in this state are not required to  
363 be individually licensed under the provisions of this chapter.

364 Sec. 8. Section 20-306b of the general statutes is repealed and the  
365 following is substituted in lieu thereof (*Effective from passage*):

366 (a) One or more architects, each of whom is licensed under the  
367 provisions of chapter 390, one or more landscape architects, each of  
368 whom is licensed under the provisions of chapter 396, one or more  
369 professional engineers or one or more land surveyors each of whom is  
370 licensed under the provisions of this chapter, may form a corporation  
371 or limited liability company for the joint practice of architecture,  
372 landscape architecture, professional engineering, land surveying  
373 services or any combination of such practices or services, provided (1)  
374 one or more persons licensed as architects, landscape architects,  
375 engineers or land surveyors under chapter 390, chapter 396 or this  
376 chapter own not less than two-thirds of the voting stock of the  
377 corporation or not less than two-thirds of the voting interests of the  
378 limited liability company, and the members of each profession forming  
379 the corporation or limited liability company together own at least  
380 twenty per cent of the voting stock of the corporation or at least twenty  
381 per cent of the voting interests of the limited liability company, (2) the  
382 personnel in responsible charge of the practice of architecture for such  
383 corporation or limited liability company shall be licensed under  
384 chapter 390, the personnel in responsible charge of the practice of

385 engineering or land surveying for such corporation or limited liability  
386 company shall be licensed under this chapter, and the personnel in  
387 responsible charge of the practice of landscape architecture for such  
388 corporation or limited liability company shall be licensed under  
389 chapter 396, and (3) such corporation or limited liability company has  
390 been issued a joint certificate of registration by the Department of  
391 Consumer Protection, [at the direction of] the Architectural Licensing  
392 Board, the State Board of Landscape Architects or the appropriate  
393 members of the State Board of Examiners for Professional Engineers  
394 and Land Surveyors designated to administer the provisions of this  
395 chapter with respect to professional engineers or land surveyors. Such  
396 corporation or limited liability company shall, upon request by the  
397 Department of Consumer Protection, Architectural Licensing Board,  
398 State Board of Landscape Architects or the State Board of Examiners  
399 for Professional Engineers and Land Surveyors, provide the requesting  
400 [board] agency with information concerning its officers, directors,  
401 members, beneficial owners and all other aspects of its business  
402 organization. Corporations for such joint practice in existence as of July  
403 1, 1992, may continue to be governed by the provisions of this  
404 subsection as revised to 1989, provided the certificate issued under this  
405 section did not expire more than two years before that date.

406 (b) Application by such corporation or limited liability company for  
407 a certificate of registration under this section shall be made to [all  
408 applicable boards jointly] the Department of Consumer Protection on a  
409 form prescribed by the department and accompanied by [an] a  
410 nonrefundable application fee of five hundred sixty-five dollars. Each  
411 such certificate shall expire annually and shall be renewable upon  
412 payment of a fee of three hundred seventy-five dollars, if all  
413 requirements of chapter 390 or 396 and this chapter with respect to  
414 corporate or limited liability company practice are met. The  
415 department or boards by joint action may refuse to authorize the  
416 issuance or renewal of a certificate if any facts exist which would  
417 entitle the commissioner or boards to suspend or revoke an existing  
418 certificate.

419 (c) Any corporation or limited liability company issued a certificate  
420 under this section shall be required to comply with all provisions of  
421 chapter 390 or 396 and this chapter with respect to corporate or limited  
422 liability company practice.

423 (d) No such corporation or limited liability company shall be  
424 relieved of responsibility for the conduct or acts of its agents,  
425 employees, members or officers by reason of its compliance with the  
426 provisions of this section, nor shall any individual practicing  
427 architecture, landscape architecture, engineering or land surveying be  
428 relieved of responsibility for services performed by reason of his or her  
429 employment or relationship with such corporation or limited liability  
430 company.

431 (e) Except as provided in this section, each individual member of a  
432 limited liability company or owner of a corporation formed in this  
433 state for the joint practice of architecture, landscape architecture,  
434 professional engineering, land surveying services or any combination  
435 of such practices or services is not required to be individually licensed  
436 under the provisions of chapters 390, 396 or this chapter.

437 ~~[(e)]~~ (f) All fees collected under this section shall be paid to the State  
438 Treasurer for deposit in the General Fund.

439 ~~[(f)]~~ (g) The Commissioner of Consumer Protection, with the advice  
440 and assistance of the Architectural Licensing Board, the State Board of  
441 Landscape Architects and the appropriate members of the State Board  
442 of Examiners for Professional Engineers and Land Surveyors  
443 designated to administer the provisions of this chapter with respect to  
444 professional engineers or land surveyors, shall adopt regulations, in  
445 accordance with chapter 54, to carry out the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	21a-118
Sec. 2	<i>from passage</i>	30-39(b)
Sec. 3	<i>from passage</i>	21a-2

Sec. 4	<i>from passage</i>	51-164n(b)
Sec. 5	<i>from passage</i>	21a-430
Sec. 6	<i>from passage</i>	42-150u
Sec. 7	<i>from passage</i>	20-306a
Sec. 8	<i>from passage</i>	20-306b

**GL**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Consumer Protection, Dept.	GF - Potential Revenue Gain	Up to \$48,750	Up to \$48,750

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

This bill makes various changes to the Department of Consumer Protection (DCP) statutes and results in a potential revenue gain to the state.

Section 1 allows the DCP Commissioner to impose a civil penalty of not more than \$500 to any inspection violation concerning food, drug, or cosmetic devices licensed or registered in the state. Previously, the Commissioner could revoke or suspend the license or registration of the establishment. It is expected that 10 fines per year will occur. If the fines are all levied at the maximum \$500, this would generate \$5,000 in general fund revenue.

Section 3 allows the DCP Commissioner to impose a fine of up to \$250 if a respondent fails to respond to a complaint filed against them. The Commissioner may waive this fine for credential holders. In FY 2017 there were approximately 175 cases where this fine could have been imposed. If the fine was imposed at the full amount for every case it would have generated \$43,750 in general fund revenue.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.



**OLR Bill Analysis****sSB 193*****AN ACT CONCERNING REVISIONS TO DEPARTMENT OF CONSUMER PROTECTION STATUTES.*****SUMMARY**

This bill makes various unrelated changes in the Department of Consumer Protection (DCP) statutes. It:

1. explicitly subjects bakeries, food manufacturing establishments, and food warehouses to DCP inspections (§ 1);
2. authorizes the DCP commissioner, following an inspection, to (a) impose a civil penalty of up to \$500 per violation of the laws concerning food, drug, medical device, and cosmetic facilities and (b) suspend or revoke certain facilities' licenses or registrations (§ 1);
3. allows alcoholic liquor permittees authorized to serve alcohol for on premises consumption to change the type of entertainment they offer at any point during the year, not just at the time of renewal (§ 2);
4. establishes a \$250 fine on individuals who do not respond to written DCP communications concerning consumer complaints (§§ 3 & 4);
5. requires anyone placing a donation bin in a public place to include the bin owner's contact information on the bin (§ 5);
6. deems any contract or lease for a personal emergency response system to be terminated upon the consumer's death (§ 6);
7. makes several changes in the laws concerning companies that

offer architecture, landscape architecture, engineering, or land surveying services, including allowing engineering and land surveying companies to be owned by individuals without DCP licenses (§§ 7 & 8); and

8. makes minor and technical changes.

EFFECTIVE DATE: Upon passage

## **§ 1 — ENFORCEMENT OF CERTAIN CONSUMER PROTECTION LAWS**

### ***Bakery Inspections***

The bill specifically authorizes the DCP commissioner to inspect bakeries, food manufacturing establishments, and food warehouses, and vehicles they use to transport food within the state, in order to enforce the Connecticut Food, Drug and Cosmetic (FD&C) Act. But the bill's authorization does not extend to facilities for which the licensee holds both a restaurant and bakery permit. (DCP licenses, rather than permits, bakeries.)

### ***Enforcing Food, Drug, Medical Device, and Cosmetic Laws***

If during an inspection of a food, drug, medical device, or cosmetic factory, warehouse, or other establishment (including bakeries) ("facilities"), the DCP commissioner finds a violation of the laws governing such food and supplies, the bill authorizes her to impose a civil penalty of up to \$500 per separate violation.

Additionally, the bill authorizes her to suspend or revoke a food or cosmetic facility's license or registration. Existing law authorizes her to suspend or revoke the license of a drug or medical device facility if her inspection reveals a violation of applicable laws. The bill also allows the commissioner to suspend or revoke applicable registrations.

As is the case for license suspensions and revocations under existing law, before imposing the civil penalties or license suspensions or revocations the bill authorizes, the commissioner must provide facilities with notice and an opportunity for a hearing in accordance

with the Uniform Administrative Procedure Act.

Existing laws provide various enforcement mechanisms for laws concerning food, drugs, medical devices, or cosmetics.

## **§ 2 — ENTERTAINMENT OFFERED BY ON-PREMISES ALCOHOLIC LIQUOR PERMITTEES**

The bill allows alcoholic liquor permittees authorized to serve alcohol for on-premises consumption to change the type of entertainment they offer at any point in the year, rather than just at permit renewal. As is the case when applying for a change at renewal, under the bill, permittees must place notices in the local newspaper and affix a DCP placard on their building or some other publically visible location.

## **§§ 3 & 4 — FAILURE TO RESPOND TO CONSUMER COMPLAINTS**

The bill specifies that DCP must process the intake of consumer complaints concerning consumer goods or services in the state, as well as any other matter in the department's jurisdiction. Existing law requires the department to maintain a toll-free telephone line for such consumer inquiries and complaints (CGS § 21a-2).

The bill authorizes DCP to (1) notify in writing a respondent against whom a complaint is received of the allegations against him or her and (2) require a response be provided to the department within 30 days.

The bill gives respondents that DCP certifies, licenses, permits, or registers only 14 days to respond before allowing the DCP commissioner to impose the fine. But the commissioner may waive the fine if the respondent demonstrates good cause for failing to respond within the prescribed period.

In the case of respondents that DCP does not credential, failure to respond is treated like an infraction and violators may be subject to a fine of up to \$250. Presumably, such respondents have up to 30 days to respond before being fined. Under the bill, the fine may only be imposed if the department sent the notice by registered or certified

mail or hand delivered it. Violators may pay the fine without having to appear in court in accordance with the mail-in procedures for infractions and certain violations.

### **§ 5 — DONATION BIN OWNERS' CONTACT INFORMATION**

This bill requires anyone placing a donation bin in a public place to include on the bin, in block letters at least two inches high, the contact information for the bin's owner.

Existing law requires the bin to list additional information, including the owner's name and information on the bin's purpose.

### **§ 6 — TERMINATION OF PERSONAL EMERGENCY RESPONSE SYSTEM CONTRACTS**

The bill deems (1) terminated upon a consumer's death any consumer contract or lease for a personal emergency response system and (2) unreasonable any contract or lease provisions that set a penalty for early termination. Under the bill, these systems are 24-hour electronic alarm systems placed in an adult's home so that the adult can obtain immediate help in emergency situations.

### **§§ 7 & 8 — ARCHITECTURE, LANDSCAPE ARCHITECTURE, ENGINEERING, AND LAND SURVEYING COMPANIES**

#### ***Nonrefundable Fees***

The bill specifically makes the application fees to register with DCP nonrefundable when the applicant seeks to register as a corporation or limited liability company (LLC) offering (1) engineering or land surveying services or (2) any combination of architecture, landscape architecture, engineering, or land surveying services.

#### ***Company Owners***

The bill also authorizes individuals who do not hold an individual engineering or land surveying license to own a corporation or LLC offering engineering or land surveying services.

Under existing law, unlicensed individuals may own up to one-third of the voting interests in a corporation or LLC offering any

combination of architecture, landscape architecture, engineering, or land surveying services. The bill specifies that individuals that do not hold an individual architecture, landscape architecture, engineering, or land surveying license may own a corporation or LLC offering any combination of these services.

The bill also makes minor and conforming changes to reflect the practice of applying to DCP for registration.

**COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea 16 Nay 1 (03/15/2018)