OLR Bill Analysis
sHB 7299

AN ACT MAKING CHANGES TO DEPARTMENT OF CONSUMER PROTECTION ENFORCEMENT STATUTES.

SUMMARY

This bill expands the Department of Consumer Protection’s (DCP) authority to regulate the activities of certain DCP-licensed, permitted, or registered individuals and entities, including tradespeople, food warehouses, and liquor permittees (§§ 1-2, 5-10, & 12-14). It does so by, among other things, (1) subjecting food warehouses to the laws applicable to bakeries and food manufacturing establishments and (2) increasing the breadth of DCP’s enforcement options with regard to specified licensees, registrants, and permittees.

The bill also:

1. makes on-demand mobile fueling operators eligible for a gasoline retailer license (§§ 3 & 4);

1. eliminates a provision specifying that the food manufacturing establishment standards enforcement statutes do not prevent local health authorities from enforcing orders or regulations concerning sanitary conditions (§ 5);

2. specifies that for purposes of tradesperson licensing statutes, regulated work includes inspecting and testing the relevant systems (§ 11); and

3. specifically allows DCP to suspend, revoke, or impose other penalties permitted by law on certain licenses or certificates that are voluntarily surrendered or not renewed (§ 13).

The bill also makes technical and conforming changes.

EFFECTIVE DATE: Various, see below.
§§ 1 & 2 — DISPLAYING TRADESPERSON LICENSE NUMBER

By law, DCP-licensed tradesperson contractors must display their state license number on commercial vehicles and printed advertisements, bid proposals, contracts, invoices, and stationary they use in their business. The bill instead requires the license number to be included on any such written materials, whether printed or not.

The bill subjects contractors that do not comply with license number display requirements to a fine of up to $500, which may be paid under the state’s infraction procedures (i.e., one may pay the fine by mail to the Centralized Infractions Bureau without making a court appearance).

EFFECTIVE DATE: October 1, 2019

§§ 3 & 4 — ON-DEMAND GASOLINE DELIVERY SERVICES

The bill establishes gasoline retailer licensing provisions applicable to individuals seeking to deliver gasoline directly from a mobile fuel tank truck to a motor vehicle’s fuel tank (“on-demand mobile fueling”). Under current law, only service stations, filling stations, and similar stationary retail establishments selling gasoline to consumers for use in motor vehicles are eligible for a DCP-issued gasoline retailer license.

To obtain a DCP license under the bill, the operator-applicant must provide their business location and service area. The license fee is $500 for the first mobile tank truck and $100 for each additional truck.

Under the bill, for an on-demand mobile fueling operation to be eligible for a license, it must seek licensure in accordance with chapter 14 on the National Fire Protection Association Standard 30A. Chapter 14 establishes standards for on-demand mobile fueling and, among other things, (1) prohibits such fueling within 25 feet of buildings, property lines, or combustible storage and (2) sets standards for mobile fueling delivery vehicles.

EFFECTIVE DATE: January 1, 2020
§§ 5-10 — FOOD WAREHOUSES

General Requirements

The bill generally subjects food warehouses to the laws applicable to bakeries and food manufacturing establishments.

Generally, food warehouses are buildings or a part thereof where food is stored for wholesale distribution, provided such building or part thereof is used primarily for importing, storing, or distributing packaged food and not for operating a bakery or food manufacturing establishment. Packaged foods are those enclosed in a container or wrapping that do not allow food to be removed without breaking or tearing the wrapping, container, or seals (CGS § 21a-151).

Under the bill, food warehouses must be designed, constructed, and operated under the same laws that apply to bakeries and food manufacturing facilities, including requirements that prohibit employees from working in such an establishment if they have certain communicable diseases and smoking in such an establishment (§ 5 & 7).

Any vehicles used to transport food warehouse products must comply with the requirements applicable to those transporting bakery products, including displaying legibly on both sides of the vehicle, the name and address of the warehouse owner, operator, or distributor (§ 5).

Licensing and Enforcement Actions

Under current law, food warehouses must obtain a DCP certificate of registration annually; under the bill, they must obtain a DCP license annually, following an inspection. Food warehouse applicants, like bakery and food manufacturing establishment applicants, must show that their facility is operating in a location that complies with local land use regulations.

Under the bill, a warehouse’s license may be revoked, after a hearing under the Uniform Administrative Procedure Act, for violations of applicable laws. But unlike bakery and food
manufacturing establishment licenses, food warehouse licenses are not subject to summary suspensions pending a hearing. Warehouses are subject to DCP enforcement orders and associated fines and penalties, just as bakeries and food manufacturing establishments are under existing law (certain offenses are a class D misdemeanor, punishable by a fine of up to $250, up to 30 days imprisonment, or both) (§§ 5, 8, 9, & 10).

EFFECTIVE DATE: October 1, 2019

§ 11 — INSPECTION AND TESTING ACTIVITIES

The bill specifies that for purposes of DCP’s tradesperson licensing statutes, work in the following fields includes inspecting and testing the relevant systems:

1. electrical;
2. plumbing and piping work;
3. solar thermal;
4. heating, piping, and cooling;
5. elevator installation, repair, and maintenance;
6. fire protection sprinkler systems;
7. lawn irrigation;
8. medical gas and vacuum systems;
9. solar electricity;
10. gas hearth products; and
11. millwright work.

Under the bill, “testing” means determining a system’s status given its intended use, with or without dissembling its component parts, using testing and measurement instruments. The bill’s definition of
“testing” also applies to existing law’s definition of sheet metal work.

Under the bill, “inspection” means the examination of a system or portion thereof, involving disassembling or removing its component parts. But the bill specifically defines “elevator inspection” for purposes of the elevator installation, repair, and maintenance field as the visual examination of an elevator system or portion thereof, with or without the disassembly or removal of component parts.

The bill also expands the scope of the:

1. elevator maintenance field (which in statute is distinct from elevator installation, repair, and maintenance) to include the testing of controls, hoistway, and car parts (inspection of such parts is already deemed part of the field), and

2. heating, piping, and cooling field to include onsite testing and balancing of hydronic, steam, and combustion air systems.

EFFECTIVE DATE: October 1, 2019

§ 12 — LIQUOR CONTROL ACT PERMITTEES

The bill expands DCP’s enforcement options for violations of the Liquor Control Act by subject permittees and provisional permittees. Under current law, after a hearing, DCP may either revoke or suspend a permit for violations of the act. Under the bill, DCP may alternatively, after a hearing, place conditions on a permit or impose a fine of up to $1,000.

If a fine is imposed, notice of the hearing must include the charges on which the fine is based. Fines may be appealed in the same manner as revocations and suspensions (i.e., appealed to Superior Court). (The bill does not require the hearing notice to include a basis for imposing conditions; nor does it establish an appeals procedure for permittees subject to such conditions.)

EFFECTIVE DATE: October 1, 2019

§ 13 — SURRENDERED OR EXPIRED CREDENTIALS
The bill specifically allows DCP to suspend, revoke, or impose other penalties permitted by law on certain licenses or certificates that are voluntarily surrendered or not renewed. DCP's authority extends to licenses and certificates held by individuals subject to the oversight of the following boards and commissions:

1. Architectural Licensing Board;

2. examining boards for electrical work; plumbing and piping work; heating, piping, cooling and sheet metal work; elevator installation, repair and maintenance work; fire protection sprinkler systems work; and automotive glass work and flat glass work;

3. Commission of Pharmacy;

4. State Board of Landscape Architects;

5. State Board of Examiners for Professional Engineers and Land Surveyors;

6. Connecticut Real Estate Commission;

7. Connecticut Real Estate Appraisal Commission;

8. State Board of Examiners of Shorthand Reporters;

9. Liquor Control Commission;

10. Home Inspection Licensing Board; and

11. State Board of Accountancy.

EFFECTIVE DATE: Upon passage

§ 14 — UNREGISTERED COMMUNITY ASSOCIATION MANAGERS

Under the bill, if following a hearing, DCP or the Connecticut Real Estate Commission finds that an individual has held themselves out as a community association manager without the required DCP registration, DCP or the commission may issue a cease and desist order
and fine the individual up to $500.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION
General Law Committee

Joint Favorable Substitute
Yea  11  Nay  5  (03/21/2019)