



# House of Representatives

General Assembly

**File No. 342**

January Session, 2021

Substitute House Bill No. 6445

*House of Representatives, April 8, 2021*

The Committee on General Law reported through REP. D'AGOSTINO of the 91st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT EXPANDING ECONOMIC OPPORTUNITY IN OCCUPATIONS  
LICENSED BY THE DEPARTMENT OF CONSUMER PROTECTION.***

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

1 Section 1. (NEW) (*Effective October 1, 2021*) (a) An occupational or  
2 professional license, permit, certification or registration issued by the  
3 Department of Consumer Protection shall be issued, in the occupation  
4 or profession applied for and at a practice level determined by the  
5 department, to a person who is (1) a resident of this state, as defined in  
6 section 12-701 of the general statutes, or (2) married to an active duty  
7 member of the armed forces of the United States and accompanies such  
8 member, pursuant to an official permanent change of station, to a  
9 military installation located in this state, if such person:

10 (A) Holds a valid license, permit, certification or registration in at  
11 least one other jurisdiction in the occupation or profession applied for;

12 (B) Has practiced under such license, permit, certification or  
13 registration for not less than four years;

14 (C) Is in good standing in all jurisdictions in which he or she holds a  
15 license, permit, certification or registration and has not had a license,  
16 permit, certification or registration revoked or discipline imposed by  
17 any jurisdiction, does not have a complaint, allegation or investigation  
18 related to unprofessional conduct pending in any jurisdiction and has  
19 not voluntarily surrendered a license, permit, certification or  
20 registration while under investigation for unprofessional conduct in any  
21 jurisdiction;

22 (D) Satisfies any background check or character and fitness check  
23 required of other applicants for the license, permit, certification or  
24 registration;

25 (E) Pays all fees required of other applicants for the license, permit,  
26 certification or registration; and

27 (F) Takes and passes all or a portion of any examination required of  
28 other persons applying for the license, permit, certification or  
29 registration.

30 (b) Any person issued a license, permit, certification or registration  
31 pursuant to this section shall be subject to the laws of this state and the  
32 jurisdiction of the Department of Consumer Protection.

33 (c) Notwithstanding the other provisions of this section, the  
34 Commissioner of Consumer Protection may deny an occupational or  
35 professional license, permit, certification or registration if the  
36 commissioner finds such denial is in the best interest of the state.

37 (d) A person applying for a license, permit, certification or  
38 registration that is not required to practice an occupation or profession  
39 in at least twenty-five states who relocates to this state from another  
40 state that did not require a license, permit, certification or registration to  
41 practice the person's occupation or profession may be considered to  
42 have satisfied the conditions of subparagraphs (A) and (B) of  
43 subdivision (2) of subsection (a) of this section if he or she establishes to  
44 the satisfaction of the Department of Consumer Protection that he or she

45 has three or more years of related work experience with a substantially  
46 similar scope of practice within the four years preceding the date of  
47 application to said department.

48 Sec. 2. Section 20-333 of the general statutes is repealed and the  
49 following is substituted in lieu thereof (*Effective October 1, 2021*):

50 (a) To obtain a license under this chapter, an applicant shall have  
51 attained such applicant's eighteenth birthday and shall furnish such  
52 evidence of competency as the appropriate board or the Commissioner  
53 of Consumer Protection shall require. A recommendation for review  
54 issued pursuant to section 31-22u shall be sufficient to demonstrate such  
55 competency. The applicant shall satisfy such board or the commissioner  
56 that such applicant [is of good moral character,] possesses a diploma or  
57 other evidence of graduation from the eighth grade of grammar school,  
58 or possesses an equivalent education to be determined on examination  
59 and has the requisite skill to perform the work in the trade for which  
60 such applicant is applying for a license and can comply with all other  
61 requirements of this chapter and the regulations adopted under this  
62 chapter. A recommendation for review issued pursuant to section 31-  
63 22u shall be sufficient to demonstrate that an applicant possesses such  
64 requisite skill and can comply with all other requirements of this chapter  
65 and the regulations adopted under this chapter. For any application  
66 submitted pursuant to this section that requires a hearing or other action  
67 by the applicable examining board or the commissioner, such hearing  
68 or other action by the applicable examining board or the commissioner  
69 shall occur not later than thirty days after the date of submission for  
70 such application. Upon application for any such license, the applicant  
71 shall pay to the department a nonrefundable application fee of ninety  
72 dollars for a license under subdivisions (2) and (3) of subsection (a) and  
73 subdivision (4) of subsection (e) of section 20-334a, or a nonrefundable  
74 application fee of one hundred fifty dollars for a license under  
75 subdivision (1) of subsection (a), subdivisions (1) and (2) of subsection  
76 (b), subdivision (1) of subsection (c) and subdivisions (1), (2) and (3) of  
77 subsection (e) of section 20-334a. Any such application fee shall be  
78 waived for persons who present a recommendation for review issued

79 pursuant to section 31-22u.

80 (b) The department shall conduct such written, oral and practical  
81 examinations as the appropriate board, with the consent of the  
82 commissioner, deems necessary to test the knowledge of the applicant  
83 in the work for which a license is being sought. The department shall  
84 allow any applicant, who has not participated in an apprenticeship  
85 program but presents a recommendation for review issued pursuant to  
86 section 31-22u, to sit for any such examination. Any person completing  
87 the required apprentice training program for a journeyman's license  
88 under section 20-334a shall, within thirty days following such  
89 completion, apply for a licensure examination given by the department.  
90 If an applicant does not pass such licensure examination, the  
91 commissioner shall provide each failed applicant with information on  
92 how to retake the examination and a report describing the applicant's  
93 strengths and weaknesses in such examination. Any apprentice permit  
94 issued under section 20-334a to an applicant who fails three licensure  
95 examinations in any one-year period shall remain in effect if such  
96 applicant applies for and takes the first licensure examination given by  
97 the department following the one-year period from the date of such  
98 applicant's third and last unsuccessful licensure examination.  
99 Otherwise, such permit shall be revoked as of the date of the first  
100 examination given by the department following expiration of such  
101 one-year period.

102 (c) The Commissioner of Consumer Protection, subject to section 46a-  
103 80, may deny a license or may issue a license pursuant to a consent order  
104 containing conditions that shall be met by the applicant if the applicant  
105 reports that he or she has been found guilty or convicted as a result of  
106 an act which constitutes a felony under (1) the laws of this state at the  
107 time of application for such license, (2) federal law at the time of  
108 application for such license, or (3) the laws of another jurisdiction, and  
109 which, if committed within this state, would constitute a felony under  
110 the laws of this state.

111 ~~[(c)]~~ (d) When an applicant has qualified for a license, the department

112 shall, upon receipt of the license fee or upon waiver of such fee pursuant  
 113 to section 20-335, issue to such applicant a license entitling such  
 114 applicant to engage in the work or occupation for which a license was  
 115 sought and shall register each successful applicant's name and address  
 116 in the roster of licensed persons authorized to engage in the work or  
 117 occupation within the appropriate board's authority. All fees and other  
 118 moneys collected by the department shall be promptly transmitted to  
 119 the State Treasurer as provided in section 4-32.

120       Sec. 3. (*Effective October 1, 2021*) The Departments of Administrative  
 121 Services, Agriculture, Consumer Protection, Correction, Emergency  
 122 Services and Public Protection and Public Health, the Labor  
 123 Department, and the Office of Early Childhood shall, not later than  
 124 January 1, 2022, report to the Secretary of the Office of Policy and  
 125 Management on (1) the number of employees who perform background  
 126 checks related to the department's or office's licensing functions, the job  
 127 classifications of such employees, and the type or level of clearance of  
 128 the background checks that are being performed, (2) the number of  
 129 hours each such employee spends on average per week performing  
 130 background checks, and (3) for any licenses in which some education or  
 131 training is required of the applicant prior to obtaining a license, the  
 132 feasibility of establishing a preclearance assessment of criminal history  
 133 prior to potential applicants beginning such education or training. Such  
 134 recommendations shall additionally assess the feasibility of centralizing  
 135 and standardizing background checks performed by state government  
 136 agencies and shall address any related issues of delegation of authority  
 137 by such agencies.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	New section
Sec. 2	<i>October 1, 2021</i>	20-333
Sec. 3	<i>October 1, 2021</i>	New section

**Statement of Legislative Commissioners:**

Section 1(a) was reorganized for clarity.

**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 22 \$	FY 23 \$
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

Sections 1-2 expand the opportunity for occupations licensed by the Department of Consumer Protection (DCP) and results in a potential revenue gain to the state to the extent additional licenses are applied for. The state charges various application and renewal fees for the occupations licensed by DCP.

Section 3 requires various agencies to report to the Office of Policy and Management regarding background checks resulting in no fiscal impact to the state because the agencies have the expertise to meet the reporting requirements.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of license applications and renewals.

**OLR Bill Analysis****sHB 6445*****AN ACT EXPANDING ECONOMIC OPPORTUNITY IN OCCUPATIONS LICENSED BY THE DEPARTMENT OF CONSUMER PROTECTION.*****SUMMARY**

This bill generally makes it easier for tradespeople credentialed in other states to obtain a Connecticut credential if they reside here. It does so by generally requiring the Department of Consumer Protection (DCP) to issue the appropriate license or other credential to a state resident, or a spouse of an active duty service member permanently stationed here, if that person meets specified requirements (e.g., has practiced under a valid credential in another jurisdiction for at least four years, passes an examination, and has no disciplinary history). It allows the DCP commissioner to deny a credential if she finds the denial to be in the state's best interest.

The bill specifies that, for certain professions, the DCP commissioner may deny a license, or issue one under a consent order with conditions that an applicant must meet, if the applicant reports that he or she has been found guilty or convicted of what constitutes a felony under Connecticut or federal law at the time of the application, or the laws of another jurisdiction that would be a felony under Connecticut law (see BACKGROUND). This authority applies to electricians; plumbers; solar, heating, piping, and cooling contractors and journeymen; elevator and fire protection sprinkler craftsmen; irrigation contractors and journeymen; gas hearth installer contractors and journeymen; and residential stair lift technicians. The bill also eliminates a requirement that applicants for these licenses demonstrate good moral character.

By January 1, 2022, the bill requires various state agencies to report to the Office of Policy and Management (OPM) secretary on certain

information related to background checks.

EFFECTIVE DATE: October 1, 2021

### **DCP CREDENTIALING**

The bill generally requires DCP to issue an occupational or professional license, permit, certification, or registration (hereinafter, “credential”) to a person who is a state resident for income tax purposes, or an accompanying spouse of an active duty service member permanently stationed here, if that person:

1. holds a valid credential in the applicable occupation or profession in at least one other jurisdiction and has practiced under that credential for at least four years;
2. is in good standing in all jurisdictions where credentialed and has no disciplinary history (including credential revocation or other discipline; pending complaints, allegations, or investigations related to unprofessional conduct; or voluntary surrender of a credential during an investigation);
3. satisfies any background, character, or fitness check required of other applicants;
4. pays any credentialing fees required of other applicants; and
5. takes and passes all or a portion of any examination required of others applying for the credential.

The bill creates an exception to the first requirement (holding a credential and practicing under it for at least four years) for certain applicants relocating from states that do not require a credential to practice the occupation or profession. The bill deems these applicants as satisfying this requirement if (1) at least 25 states do not require the credential and (2) the applicant establishes to DCP’s satisfaction that he or she has three or more years of related work experience with a substantially similar scope of practice within the four years preceding the application date.

The bill specifies that anyone issued a credential under these provisions is subject to Connecticut law and DCP jurisdiction. It also allows the DCP commissioner to deny an application if she finds it to be in the state's best interest.

### **AGENCY REPORTING**

By January 1, 2022, the bill requires the departments of Administrative Services, Agriculture, Consumer Protection, Correction, Emergency Services and Public Protection, Labor, and Public Health, and the Office of Early Childhood, to report to the OPM secretary on certain information related to background checks. The report must include:

1. the number of employees who perform background checks related to the department's or office's licensing functions, their job classifications, and the background checks' type or level of clearance;
2. the average number of hours these employees spend weekly performing background checks; and
3. for any licenses requiring some pre-licensure education or training, the feasibility of assessing criminal history to preclear potential applicants before they begin the education or training.

The recommendations must also (1) assess the feasibility of centralizing and standardizing background checks state agencies perform and (2) address any related issues of these agencies delegating authority.

### **BACKGROUND** **Related Bill**

HB 6449 (File 203), reported favorably by the Public Health Committee, makes similar changes for health care professionals.

sHB 6474, § 32, reported favorably by the Labor and Public Employees Committee, requires the agencies to make the same report and recommendations.

**Felony Conviction and Credentials**

With limited exceptions, the law prohibits the state from disqualifying a person from engaging in an occupation, profession, or business that requires a state credential solely because of a prior criminal conviction (CGS § 46a-80).

State agencies may deny someone a credential to practice an occupation, trade, profession or business, after considering (1) the nature of the crime and its relationship to the job; (2) information pertaining to the degree of the person’s rehabilitation; and (3) how much time has passed since the person’s conviction or release.

**COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea 15 Nay 3 (03/23/2021)