



Substitute House Bill No. 6767

Public Act No. 23-99

AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING LICENSING AND ENFORCEMENT.

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

Section 1. Subsections (a) to (f), inclusive, of section 16a-15 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each person shall publicly display and maintain on each pump or other dispensing device from which any gasoline or other product intended as a fuel for aircraft, motor boats or motor vehicles is sold by such person, such signs as the Commissioner of Consumer Protection, by regulation adopted pursuant to chapter 54, may require to inform the public of the octane rating and price of such gasoline or other product. Each person selling such gasoline or other product on both a full-serve and self-serve basis and displaying the price of such gasoline or other product at a location on the premises other than at a pump or other dispensing device shall include in such display both the full-serve and self-serve prices of such gasoline or other product, in such manner as the commissioner, by regulation, may require. All signs as to price shall [be] display the per-gallon price and shall not [be] display the price of less or more than one gallon, except that a sign as to the price of a

Substitute House Bill No. 6767

specialty engine fuel, including, but not limited to, a racing fuel or a fuel intended for an agricultural or other off-road application, that is not subject to a quality or usability standard established by the American Society for Testing and Materials, or another national consensus quality or usability standard, may display the price per gallon, per one-half gallon or per liter.

(b) Each person shall publicly display and maintain on each pump or other dispensing device from which any gasoline or other product containing more than one per cent by volume of ethanol, methanol or any other cosolvent, and intended as a fuel for aircraft, motor boats or motor vehicles is sold by such person, such signs as the Commissioner of Consumer Protection, by regulation adopted pursuant to chapter 54, may require to inform the public of the amount of methanol, ethanol or any other cosolvent contained in such gasoline or other product.

(c) Each person shall publicly display and maintain, in a like manner, size and print, on each sign on display to the general public intended to inform the public of the price of gasoline and each pump or other dispensing device from which any gasoline intended as a fuel for motor vehicles is sold by such person, such signs as the Commissioner of Consumer Protection, by regulation adopted pursuant to chapter 54, may require to inform the public of the price for such gasoline for such members of the public as any such sign that informs of the price of such gasoline for members of any club, members of any retail membership organization or persons who qualify for any special discount offer.

(d) Any manufacturer, hauler, blender, agent, jobber, consignment agent, or distributor who distributes gasoline, or other products intended as fuel for aircraft, motor boats, or motor vehicles, which contain one per cent or more alcohol by volume, shall state the percentage of alcohol and the type of alcohol on any invoice, bill of lading, shipping paper, or other documentation used in normal and customary business practices.

Substitute House Bill No. 6767

(e) Each person shall publicly display and maintain on each pump or other dispensing device from which any diesel fuel intended as a fuel for motor boats or motor vehicles is sold by such person, the minimum cetane number for such diesel fuel.

(f) Each person shall publicly display and maintain on each pump or other dispensing device from which any gasoline intended as a fuel for motor boats or motor vehicles is sold by such person, such signs as the Commissioner of Consumer Protection, by regulation adopted pursuant to chapter 54, may require to inform the public of whether, if a discount is offered for payment by cash, payment for such gasoline by debit card is processed at the credit card price per gallon or the cash price per gallon or, for a specialty engine fuel described in subsection (a) of this section, the credit card price per gallon, per one-half gallon or per liter or the cash price per gallon, per one-half gallon or per liter.

Sec. 2. Section 16a-21 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) (A) No heating fuel dealer shall sell heating fuel or rent or lease a heating fuel tank without a written contract that contains all [the] terms and conditions for delivery of such heating fuel and the amount of fees, charges, surcharges or penalties allowed under this section and assessed to the consumer under such contract. No such contract shall contain any fees, charges, surcharges or penalties, except for those allowed pursuant to subsections (e), (f) and (g) of this section and for tank rental fees or liquidated damages for violation of the contract terms. No contract for the delivery of heating fuel under this subsection shall include a provision for liquidated damages for a consumer breach of such contract where the liquidated damages exceed the actual damages to the heating fuel dealer caused by such breach. No written contract period for heating fuel shall be for a term [greater] longer than thirty-six months. Each heating fuel dealer shall offer consumers the option to enter into a bona fide commercially reasonable contract for a

Substitute House Bill No. 6767

term of eighteen months. A consumer and a heating fuel dealer may agree to enter into a bona fide commercially reasonable contract for a term of less than eighteen months. Longer fuel contract term lengths may be permitted for underground tank consumers, provided the fuel term agreements are concurrent with tank lease agreements as specified in subdivision (2) of this subsection. No provision in a contract that restricts a consumer's ability to utilize another propane fuel provider shall be valid or enforceable unless the consumer has initialed a clear and conspicuous statement in all capital letters [of no less than] in at least twelve-point boldface type indicating that the consumer is aware of such restriction.

(B) A heating fuel dealer who leases or lends, or who leased or lent, a heating fuel tank and associated equipment to a consumer shall remove such tank and associated equipment from the consumer's residential premises not later than thirty days after the delivery of heating fuel service is discontinued by the consumer.

(2) If a tank is being leased or lent to a consumer, a contract for the tank rental or loan shall indicate in writing a description of the tank, initial installation charges, if any, the amount and timing of rental or loan payments, the manner in which the lessor will credit the lessee for any unused heating fuel and terms by which a lessee may terminate the contract. A lessor may enter into a separate contract with the lessee for additional services including, but not limited to, maintenance, repair and warranty of equipment, provided such contract complies with the provisions of this section. No contract for tanks installed above ground shall be for a term [greater] longer than thirty-six months. Each consumer shall be given the option to enter into a bona fide commercially reasonable contract for a term of eighteen months. A lessee and a lessor may agree to enter into a bona fide commercially reasonable contract for a term of less than eighteen months. No contract for a tank installed underground shall exceed five years.

Substitute House Bill No. 6767

(3) (A) If a tank installed underground is provided to a consumer, a contract for such tank shall contain a clause providing the consumer with the option to purchase the tank and associated equipment at a price not exceeding a commercially reasonable price at any time during the length of the contract. The purchase price for the tank shall be disclosed in the contract and shall not increase before the contract expires. Any waiver of liability or transfer of warranty shall be stated in the contract. No contract for such tank shall be valid or enforceable unless the consumer has initialed a clear and conspicuous statement in all capital letters [of no less than] in at least twelve-point boldface type, indicating the consumer is aware of such option to purchase the tank and associated equipment. For existing contracts, whether oral or written, where the purchase option or purchase price is silent or unspecified, a contract addendum including the purchase option and a commercially reasonable price shall be mailed or delivered to the consumer not later than September 1, 2013. Such contract addendum shall contain a clause providing the lessee with the option of purchasing the tank and associated equipment at any time prior to September 1, 2018. Upon purchase of the tank and any associated equipment, any existing contract obligations pursuant to subdivisions (1) and (2) of this subsection shall terminate immediately, except for guaranteed price plans pursuant to chapter 296a.

(B) If a tank installed above ground is provided to a consumer, a contract for such tank shall contain a clause providing the consumer with the option to purchase a new tank and associated equipment at a price not exceeding a commercially reasonable price at any time during the length of the contract. The purchase price for the tank, associated equipment and associated installation charges shall be disclosed in the contract and not increase before the contract expires. Any waiver of liability or transfer of warranty shall be stated in the contract. No contract for such tank shall be valid or enforceable unless the consumer has initialed a clear and conspicuous statement in all capital letters [of

Substitute House Bill No. 6767

no less than] in at least twelve-point boldface type, indicating that the consumer is aware of such option to purchase a new tank and associated equipment. Upon purchase of the tank and any associated equipment, any existing contract obligations pursuant to subdivisions (1) and (2) of this subsection shall terminate immediately, except for guaranteed price plans pursuant to chapter 296a.

(4) A contract required by this section shall be in writing and shall comply with the plain language requirements of section 42-152, provided any fee, charge, surcharge or penalty disclosed in such contract shall be in twelve-point, boldface type of uniform font. Any fee, charge, surcharge or penalty shall not increase prior to the expiration of the contract.

(5) A written contract for the sale of heating fuel or lease of equipment that calls for an automatic renewal of the contract is not valid unless such contract complies with the provisions of this section, section 42-126b and chapter 296a.

(6) The requirement that contracts be in writing pursuant to this section shall not apply to any heating fuel delivery initiated by a consumer, payable on delivery or billed to the consumer with no future delivery commitment, where no fee, charge, surcharge or penalty is assessed, except for any fee, charge or surcharge authorized under subsection (g) of this section.

(7) The requirement that contracts be in writing pursuant to this section shall not apply to agreements that are solely automatic delivery where: (A) The consumer may terminate automatic delivery at any time and where no fee, charge, surcharge or penalty is assessed for termination; [,] and (B) the dealer providing automatic delivery provides written notice to the consumer the dealer serves under automatic delivery of the method for the termination of automatic delivery, as specified in this subdivision. Such written notice shall be

Substitute House Bill No. 6767

included with each invoice for products subject to automatic delivery. Notice from a consumer to a dealer requesting termination of automatic delivery may be delivered to the dealer by (i) a written request by the consumer delivered by certified mail to the dealer, (ii) electronic mail sent from the consumer to a valid electronic mail address of the dealer, or (iii) electronic facsimile by the consumer to be sent to a valid facsimile number at the dealer's place of business. The consumer shall give notice at least one day prior to the day upon which the consumer desires to terminate automatic delivery. The consumer shall not be responsible for payment of deliveries made by the dealer after such notice has been given, except for deliveries made within one business day after such notice has been given and which were scheduled for delivery by the dealer prior to such notice being given, provided consideration shall be given for weekend and holiday closings or extenuating circumstances not under the control of the dealer.

(b) If a consumer complaint is being mediated or investigated by the commissioner, the heating fuel dealer, if it owns the tank and has exclusive fill requirements, may not deny the consumer deliveries of heating fuel, or fuel for cooking or power generation, because of the existence of the mediation or investigation, provided the heating fuel dealer remains the exclusive supplier of such fuel and the consumer pays cash for such fuel upon delivery.

(c) The requirement that contracts be in writing as set forth in this section may be satisfied pursuant to the provisions of: (1) The Connecticut Uniform Electronic Transactions Act, sections 1-266 to 1-286, inclusive; [] (2) sections 42a-7-101 to 42a-7-106, inclusive; [] or (3) the Electronic Signatures in Global and National Commerce Act, 15 USC 7001 et seq. Except as provided in subsection (d) of this section, verbal telephonic communications shall not satisfy the writing requirement of this section.

(d) The requirement that contracts be in writing pursuant to this

Substitute House Bill No. 6767

section and section 16a-23n may be satisfied telephonically, only if a heating fuel dealer:

(1) Has provided to the consumer prior to any telephonic communication all terms and conditions of the contract, in writing, except for the contract duration, the unit price and the maximum number of units covered by the contract;

(2) Employs an interactive voice response system or similar technology that provides the consumer with the contract duration, the unit price and the maximum number of units covered by the contract;

(3) Retains for a period of not less than one year from the date of the expiration of the contract, in a readily retrievable format, a recording of the consumer affirmation to each such term and condition;

(4) Sends the consumer a letter confirming the consumer's agreement to such terms and conditions, with a written copy of the terms and conditions agreed to; and

(5) Retains a copy of each such letter.

(e) No heating fuel dealer shall deliver heating fuel without placing the unit price, clearly indicated as such, the total number of gallons or units sold and the amount of any fee, charge or surcharge allowed pursuant to this section in a conspicuous place on the delivery ticket given to the consumer or an agent of the consumer at the time of delivery. No heating fuel dealer shall bill or otherwise attempt to collect from any consumer of heating fuel an amount that exceeds the unit price multiplied by the total number of gallons or units stated on the delivery ticket, plus the amount of any fee, charge or surcharge allowed pursuant to this section and stated on the delivery ticket.

(f) No heating fuel dealer shall assess a fee, charge or surcharge on any delivery, including, but not limited to, any delivery under an

Substitute House Bill No. 6767

automatic delivery agreement, initiated by the dealer to a consumer.

(g) No heating fuel dealer shall assess a fee, charge or surcharge on the price per gallon or total delivery charge for any heating fuel delivery initiated by a consumer, except when:

(1) The heating fuel delivery is less than one hundred gallons;

(2) The heating fuel delivery is made outside the normal service area of the dealer;

(3) The heating fuel delivery is made outside the normal business hours of the dealer; or

(4) The dealer incurs extraordinary labor costs for the heating fuel delivery.

(h) Except for the underground tank addendum required pursuant to subdivision (3) of subsection (a) of this section, the provisions of this section shall not apply to existing customers of a heating fuel dealer on July 1, 2013, who have valid written contracts on said date. The provisions of this section shall apply as of the renewal or expiration dates of such contracts.

(i) A consumer shall have the right to cancel [his or her] the consumer's relationship with a heating fuel dealer without penalty for an above-ground tank that is lent or leased if such relationship is based upon either an oral agreement or a course of dealing. No tank removal charge or forfeiture of unused heating fuel shall be permitted if a consumer cancels such relationship. The consumer shall be entitled to a refund of all unused heating fuel at the same price at which the consumer purchased such heating fuel.

(j) The Commissioner of Consumer Protection may adopt regulations pursuant to chapter 54 to: (1) Establish a consumer bill of rights

Substitute House Bill No. 6767

regarding home heating dealers; [] (2) require heating fuel dealers to provide consumers with such consumer bill of rights prior to entering into a contract; [] and (3) permit home heating dealers to post such consumer bill of rights on their Internet web sites or record and play back such consumer bill of rights when consumers call the offices of such heating fuel dealers.

(k) A violation of the provisions of this section shall be an unfair trade practice under subsection (a) of section 42-110b.

(l) [Any] (1) Except as provided in subdivision (2) of this subsection, any heating fuel dealer who violates any provision of this section shall be fined not more than five hundred dollars for the first offense, not more than seven hundred fifty dollars for a second offense occurring not more than three years after a prior offense and not more than one thousand five hundred dollars for a third or subsequent offense occurring not more than three years after a prior offense.

(2) Any heating fuel dealer who violates any provision of subparagraph (B) of subdivision (1) of subsection (a) of this section may be fined not more than two hundred fifty dollars per violation in accordance with the provisions of section 51-164n.

Sec. 3. Subsection (b) of section 20-280e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) Any individual who has been convicted of any criminal offense may request, at any time, that the [board] Department of Consumer Protection determine whether such individual's criminal conviction disqualifies [the] such individual from obtaining a certificate or license issued or conferred [by the board] pursuant to this chapter based on (A) the nature of the conviction and its relationship to [the] such individual's ability to safely or competently perform the duties or

Substitute House Bill No. 6767

responsibilities associated with such certificate or license, (B) information pertaining to the degree of rehabilitation of [the] such individual, and (C) the time elapsed since the conviction or release of [the] such individual.

(2) An individual making [such] a request under subdivision (1) of this subsection shall [include (A)] make such request on a form, and in a manner, prescribed by the Commissioner of Consumer Protection, which form shall require the individual to (A) submit to state and national criminal history records checks conducted in accordance with section 29-17a, and (B) provide details of the individual's criminal conviction. [, and (B) any payment required by the board. The board may charge a fee of not more than fifteen dollars for each request made under this subsection. The board may waive such fee.]

(3) Not later than thirty days after receiving a complete request under subdivisions (1) and (2) of this subsection, the [board] department shall inform the individual making such request whether, based on the criminal record information submitted, such individual is disqualified from receiving or holding a certificate or license issued pursuant to this chapter.

(4) The [board] department is not bound by a determination made under this section [,] if, upon further investigation, the [board] department determines that the individual's criminal conviction differs from the information presented in [the] such individual's determination request made under this subsection.

Sec. 4. Subsection (b) of section 20-291 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) Any individual who has been convicted of any criminal offense may request, at any time, that the [commissioner] Department of

Substitute House Bill No. 6767

Consumer Protection determine whether such individual's criminal conviction disqualifies [the] such individual from obtaining a certificate or license issued or conferred [by the commissioner] pursuant to this chapter based on (A) the nature of the conviction and its relationship to [the] such individual's ability to safely or competently perform the duties or responsibilities associated with such certificate or license, (B) information pertaining to the degree of rehabilitation of [the] such individual, and (C) the time elapsed since the conviction or release of [the] such individual.

(2) An individual making [such] a request under subdivision (1) of this subsection shall [include (A)] make such request on a form, and in a manner, prescribed by the Commissioner of Consumer Protection, which form shall require the individual to (A) submit to state and national criminal history records checks conducted in accordance with section 29-17a, and (B) provide details of the individual's criminal conviction. [, and (B) any payment required by the commissioner. The commissioner may charge a fee of not more than fifteen dollars for each request made under this subsection. The commissioner may waive such fee.]

(3) Not later than thirty days after receiving a complete request under subdivisions (1) and (2) of this subsection, the [commissioner] department shall inform the individual making such request whether, based on the criminal record information submitted, such individual is disqualified from receiving or holding a certificate or license issued pursuant to this chapter.

(4) The [commissioner] department is not bound by a determination made under this section [,] if, upon further investigation, the [commissioner] department determines that the individual's criminal conviction differs from the information presented in [the] such individual's determination request made under this subsection.

Substitute House Bill No. 6767

Sec. 5. Section 20-295b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any person who, on October 1, 1969, holds a certificate of authority or renewal issued pursuant to sections 20-295 and 20-295a of the general statutes, revised to 1968, shall be entered on the roster of licensed architects and shall thereafter be authorized and entitled to practice architecture in accordance with the provisions of this chapter.

(b) An architect licensed in this state may perform the work of an interior designer [] as prescribed in chapter 396a without obtaining a certificate of registration as an interior designer under said chapter. Except as provided in subsection (c) of this section, an architect licensed in this state shall not be required to satisfy the continuing education requirements for registered interior designers established in subsections (f) and (g) of section 20-377s if such architect satisfies all continuing education requirements set forth in this chapter necessary for such architect to maintain such license.

(c) An architect licensed in this state who holds a certificate of registration as an interior designer issued under chapter 396a shall be subject to (1) the continuing education requirements for registered interior designers established in subsections (f) and (g) of section 20-377s, and (2) the fee for renewal of such certificate of registration established in subsection (e) of section 20-377s.

Sec. 6. Subsection (d) of section 20-334 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) (1) Any individual who has been convicted of any criminal offense may request, at any time, that the [commissioner] Department of Consumer Protection determine whether such individual's criminal conviction disqualifies [the] such individual from obtaining a [license

Substitute House Bill No. 6767

or] certificate or license issued or conferred [by the commissioner] pursuant to this chapter based on (A) the nature of the conviction and its relationship to [the] such individual's ability to safely or competently perform the duties or responsibilities associated with such certificate or license, (B) information pertaining to the degree of rehabilitation of [the] such individual, and (C) the time elapsed since the conviction or release of [the] such individual.

(2) An individual making [such] a request under subdivision (1) of this subsection shall [include (A)] make such request on a form, and in a manner, prescribed by the Commissioner of Consumer Protection, which form shall require the individual to (A) submit to state and national criminal history records checks conducted in accordance with section 29-17a, and (B) provide details of the individual's criminal conviction. [, and (B) any payment required by the commissioner. The commissioner may charge a fee of not more than fifteen dollars for each request made under this subsection. The commissioner may waive such fee.]

(3) Not later than thirty days after receiving a complete request under subdivisions (1) and (2) of this subsection, the [commissioner] department shall inform the individual making such request whether, based on the criminal record information submitted, such individual is disqualified from receiving or holding a [license or] certificate or license issued pursuant to this chapter.

(4) The [commissioner] department is not bound by a determination made under this section [,] if, upon further investigation, the [commissioner] department determines that the individual's criminal conviction differs from the information presented in [the] such individual's determination request made under this subsection.

Sec. 7. Section 20-341 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Substitute House Bill No. 6767

(a) Any person who wilfully engages in or practices the work or occupation for which a license is required by this chapter or chapter 399b without having first obtained an apprentice permit or a certificate and license for such work, as applicable, or who wilfully employs or supplies for employment a person who does not have a certificate and license for such work, or who wilfully and falsely pretends to qualify to engage in or practice such work or occupation, including, but not limited to, offering to perform such work in any print, electronic, television or radio advertising or listing when such person does not hold a license for such work as required by this chapter, or who wilfully engages in or practices any of the work or occupations for which a license is required by this chapter after the expiration of such person's license, shall be guilty of a class B misdemeanor, except that no criminal charges shall be instituted against such person pursuant to this subsection unless the work activity in question is reviewed by the Commissioner of Consumer Protection, or the commissioner's authorized agent, and the commissioner or such agent specifically determines, in writing, that such work activity requires a license and is not the subject of a bona fide dispute between persons engaged in any trade or craft, whether licensed or unlicensed. Notwithstanding the provisions of subsection (d) or (e) of section 53a-29 and subsection (d) of section 54-56e, if the court determines that such person cannot fully repay any victims of such person within the period of probation established in subsection (d) or (e) of section 53a-29 or subsection (d) of section 54-56e, the court may impose probation for a period of not more than five years. The penalty provided in this subsection shall be in addition to any other penalties and remedies available under this chapter or chapter 416.

(b) The Commissioner of Consumer Protection may order any person who is not registered as an apprenticeship sponsor with the Labor Department and who advertises, offers, engages in or practices the work of a program of apprenticeship training for the purpose of providing the

Substitute House Bill No. 6767

experience necessary to obtain a journeyperson's license under this chapter without first registering such program with the Labor Department pursuant to sections 31-22m to 31-22v, inclusive, to immediately cease and desist such advertising, offer, engagement or practice until such person and program are properly registered with the Labor Department pursuant to sections 31-22m to 31-22v, inclusive. The Commissioner of Consumer Protection may, after a hearing held in accordance with chapter 54, impose a fine in an amount not to exceed five thousand dollars for each violation of this subsection.

(c) The Commissioner of Consumer Protection may order any person who is registered as an apprenticeship sponsor with the Labor Department to provide a program of apprenticeship training pursuant to sections 31-22m to 31-22v, inclusive, for the purpose of providing the experience necessary to obtain a journeyperson's license under this chapter and who employs an individual as an apprentice without first verifying that such individual is registered as an apprentice under this chapter to immediately cease and desist any conduct for which an apprenticeship registration is required under this chapter. The commissioner may, after a hearing held in accordance with chapter 54, impose a fine in an amount not to exceed five thousand dollars for each violation of this subsection.

[(b)] (d) The appropriate examining board or the Commissioner of Consumer Protection may, after notice and a hearing conducted in accordance with chapter 54, impose a civil penalty for each violation on any person who (1) engages in or practices the work or occupation for which a license or apprentice registration certificate is required by this chapter, chapter 394, chapter 399b or chapter 482 without having first obtained such a license or certificate, or (2) wilfully employs or supplies for employment a person who does not have such a license or certificate or who wilfully and falsely pretends to qualify to engage in or practice such work or occupation, or (3) engages in or practices any of the work

Substitute House Bill No. 6767

or occupations for which a license or certificate is required by this chapter, chapter 394, chapter 399b or chapter 482 after the expiration of the license or certificate, or (4) violates any of the provisions of this chapter, chapter 394, chapter 399b or chapter 482 or the regulations adopted pursuant thereto. Such penalty shall be in an amount not [more than one thousand dollars for a first violation of this subsection, not more than one thousand five hundred dollars for a second violation of this subsection and not more than] to exceed three thousand dollars for each violation of this subsection, [occurring less than three years after a second or subsequent violation of this subsection,] except that any individual employed as an apprentice but improperly registered shall not be penalized for a first offense.

[(c)] (e) If an examining board or the Commissioner of Consumer Protection imposes a civil penalty under the provisions of subsection [(b)] (d) of this section as a result of a violation initially reported by [,] a municipal building official in accordance with subsection (c) of section 29-261, the commissioner shall, not less than sixty days after collecting such civil penalty, remit one-half of the amount collected to such municipality.

[(d)] (f) A violation of any of the provisions of this chapter shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b.

[(e)] (g) This section shall not apply to any person who (1) holds a license issued under this chapter, chapter 394, chapter 399b or chapter 482 and performs work that is incidentally, directly and immediately appropriate to the performance of such person's trade where such work commences at an outlet, receptacle or connection previously installed by a person holding the proper license, or (2) engages in work that does not require a license under this chapter, chapter 394, chapter 399b or chapter 482.

Substitute House Bill No. 6767

Sec. 8. Subsection (d) of section 20-341gg of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) (1) Any individual who has been convicted of any criminal offense may request, at any time, that the [commissioner] Department of Consumer Protection determine whether such individual's criminal conviction disqualifies [the] such individual from obtaining a registration issued or conferred by the commissioner pursuant to this section based on (A) the nature of the conviction and its relationship to [the] such individual's ability to safely or competently perform the duties or responsibilities associated with such [license] registration, (B) information pertaining to the degree of rehabilitation of [the] such individual, and (C) the time elapsed since the conviction or release of [the] such individual.

(2) An individual making [such] a request under subdivision (1) of this subsection shall [include (A)] make such request on a form, and in a manner, prescribed by the Commissioner of Consumer Protection, which form shall require the individual to (A) submit to state and national criminal history records checks conducted in accordance with section 29-17a, and (B) provide details of the individual's criminal conviction. [, and (B) any payment required by the commissioner. The commissioner may charge a fee of not more than fifteen dollars for each request made under this subsection. The commissioner may waive such fee.]

(3) Not later than thirty days after receiving a complete request under subdivisions (1) and (2) of this subsection, the [commissioner] department shall inform the individual making such request whether, based on the criminal record information submitted, such individual is disqualified from receiving or holding a registration issued pursuant to this section.

Substitute House Bill No. 6767

(4) The [commissioner] department is not bound by a determination made under this section [,] if, upon further investigation, the [commissioner] department determines that the individual's criminal conviction differs from the information presented in [the] such individual's determination request made under this subsection.

Sec. 9. Section 20-417b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No person shall engage in the business of new home construction or hold [himself or herself] such person out as a new home construction contractor unless such person has been issued a certificate of registration by the commissioner in accordance with the provisions of sections 20-417a to [20-417j] 20-417k, inclusive. No new home construction contractor shall be relieved of responsibility for the conduct and acts of [its] such new home construction contractor's agents, employees or officers by reason of such new home construction contractor's compliance with the provisions of sections 20-417a to [20-417j] 20-417k, inclusive.

(b) Any person seeking a certificate of registration shall apply to the commissioner, online, on a form provided by the commissioner. The application shall include (1) the applicant's name, business street address and business telephone number, (2) the identity of the insurer that provides the applicant with insurance coverage for liability, (3) if such applicant is required by any provision of the general statutes to have workers' compensation coverage, the identity of the insurer that provides the applicant with such workers' compensation coverage, (4) if such applicant is required by any provision of the general statutes to have an agent for service of process, the name and address of such agent, and (5) proof of general liability insurance coverage in an amount not less than twenty thousand dollars, demonstrated by providing the policy number and business name of the insurance provider. Each such application shall be accompanied by a fee of one hundred twenty

Substitute House Bill No. 6767

dollars, except that no such application fee shall be required if such person has paid the registration fee required under section 20-421, as amended by this act, during any year in which such person's registration as a new home construction contractor would be valid.

(c) Certificates issued to new home construction contractors shall not be transferable or assignable, except when the holder of a certificate, who is engaged in the business, changes the name or form of such business.

(d) ~~[All] (1) Except as provided in subdivision (2) or (3) of this subsection, all~~ certificates issued under the provisions of sections 20-417a to ~~[20-417j]~~ 20-417k, inclusive, shall expire annually ~~[. The]~~ on the thirty-first day of March, and the fee charged for renewal of such a certificate shall be the same as the fee charged for [an] the original application [, except that no] for such certificate.

(2) No renewal fee is due if a person seeking renewal of a certificate has paid the registration fee under section 20-427, as amended by this act, during any year in which such person's registration as a new home construction contractor would be valid.

(3) A new home construction contractor that holds a certificate of registration issued in accordance with sections 20-417a to 20-417k, inclusive, that expires on September 30, 2023, shall renew such certificate of registration on or before the renewal date established for the eighteen-month period beginning October 1, 2023, and ending March 31, 2025, and shall pay a prorated renewal fee in the amount of one hundred eighty dollars, a prorated fee due under subsection (b) of section 20-417i in the amount of three hundred sixty dollars and a prorated fee due under subsection (b) of section 20-432, as amended by this act, in the amount of one hundred fifty dollars if such new home construction contractor has opted to engage in home improvement under subsection (f) of this section.

Substitute House Bill No. 6767

[(e)] All certificates issued under the provisions of this chapter shall expire annually on the thirty-first day of March. The fee for renewal of a certificate shall be the same as charged for the original application.]

[(f)] (e) Failure to receive a notice of expiration or a renewal application shall not exempt a new home construction contractor from the obligation to renew.

[(g)] (f) The holder of a certificate of registration issued by the commissioner in accordance with the provisions of sections 20-417a to [20-417j] 20-417k, inclusive, may opt to engage in home improvement, as defined in section 20-419, as amended by this act. If a new home construction contractor does opt to engage in such home improvement, such new home construction contractor shall first notify the commissioner in writing and shall pay to the Department of Consumer Protection any fee due to the Home Improvement Guaranty Fund pursuant to section 20-432, as amended by this act.

Sec. 10. Section 20-419 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in this chapter, unless the context otherwise requires:

(1) "Business entity" means an association, corporation, limited liability company, limited liability partnership or partnership.

[(1)] (2) "Certificate" means a certificate of registration issued under section 20-422.

[(2)] (3) "Commissioner" means (A) the Commissioner of Consumer Protection, [or] and (B) any person designated by the commissioner to administer and enforce this chapter.

[(3)] (4) (A) "Contractor" means any person who (i) owns and operates a home improvement business, or [who] (ii) undertakes, offers to

Substitute House Bill No. 6767

undertake or agrees to perform any home improvement.

(B) "Contractor" does not include a person for whom the total price of all of [his] such person's home improvement contracts with all of [his] such person's customers does not exceed one thousand dollars during any period of twelve consecutive months.

[(4)] (5) (A) "Home improvement" includes, but is not limited to, the repair, replacement, remodeling, alteration, conversion, modernization, improvement, rehabilitation or sandblasting of, or addition to, any land or building or that portion thereof which is used or designed to be used as a private residence, dwelling place or residential rental property, or the construction, replacement, installation or improvement of alarm systems not requiring electrical work, as defined in section 20-330, driveways, swimming pools, porches, garages, roofs, siding, insulation, sunrooms, flooring, patios, landscaping, fences, doors and windows, waterproofing, water, fire or storm restoration or mold remediation in connection with such land or building or that portion thereof which is used or designed to be used as a private residence, dwelling place or residential rental property or the removal or replacement of a residential underground heating oil storage tank system, in which the total price for all work agreed upon between the contractor and owner or proposed or offered by the contractor exceeds two hundred dollars.

(B) "Home improvement" does not include [:(A) The] (i) the construction of a new home, [;(B)] (ii) the sale of goods or materials by a seller who neither arranges to perform nor performs, directly or indirectly, any work or labor in connection with the installation or application of the goods or materials, [;(C)] (iii) the sale of goods or services furnished for commercial or business use or for resale, provided commercial or business use does not include use as residential rental property, [;(D)] (iv) the sale of appliances, such as stoves, refrigerators, freezers, room air conditioners and others, which are designed for and are easily removable from the premises without material alteration

Substitute House Bill No. 6767

thereof, [; (E)] (v) tree or shrub cutting or the grinding of tree stumps, [;] and [(F)] (vi) any work performed without compensation by the owner on [his] such owner's own private residence or residential rental property.

[(5)] (6) "Home improvement contract" means an agreement between a contractor and an owner for the performance of a home improvement.

[(6)] (7) "Owner" means a person who owns or resides in a private residence and includes any agent thereof, including, but not limited to, a condominium association. An owner of a private residence shall not be required to reside in such residence to be deemed an owner under this subdivision.

[(7)] (8) "Person" means an individual [, partnership, limited liability company or corporation] or a business entity.

[(8)] (9) "Private residence" means a single family dwelling, a multifamily dwelling consisting of not more than six units, or a unit, common element or limited common element in a condominium, as defined in section 47-68a, or in a common interest community, as defined in section 47-202, or any number of condominium units for which a condominium association acts as an agent for such unit owners.

[(9)] (10) "Salesman" means any individual who (A) negotiates or offers to negotiate a home improvement contract with an owner, or (B) solicits or otherwise endeavors to procure by any means whatsoever, directly or indirectly, a home improvement contract from an owner on behalf of a contractor.

[(10)] (11) "Residential rental property" means a single family dwelling, a multifamily dwelling consisting of not more than six units, or a unit, common element or limited common element in a condominium, as defined in section 47-68a, or in a common interest community, as defined in section 47-202, which is not owner-occupied.

Substitute House Bill No. 6767

[(11)] (12) "Residential underground heating oil storage tank system" means an underground storage tank system used with or without ancillary components in connection with real property composed of four or less residential units.

[(12)] (13) "Underground storage tank system" means an underground tank or combination of tanks, with any underground pipes or ancillary equipment or containment systems connected to such tank or tanks, used to contain an accumulation of petroleum, which volume is ten per cent or more beneath the surface of the ground.

Sec. 11. Section 20-420 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No person shall hold [himself or herself] such person out to be a contractor or salesperson without first obtaining a certificate of registration from the commissioner as provided in this chapter, except (1) that an individual or partner, or officer or director of a corporation registered as a contractor shall not be required to obtain a salesperson's certificate, and (2) as provided in subsections (e) and (f) of this section. No certificate shall be given to any person who holds [himself or herself] such person out to be a contractor that performs radon mitigation unless such contractor provides evidence, satisfactory to the commissioner, that the contractor is certified as a radon mitigator by the National Radon Safety Board or the National Environmental Health Association. No certificate shall be given to any person who holds [himself or herself] such person out to be a contractor that performs removal or replacement of any residential underground heating oil storage tank system unless such contractor provides evidence, satisfactory to the commissioner, that the contractor (A) has completed a hazardous material training program approved by the Department of Energy and Environmental Protection, and (B) has presented evidence of liability insurance coverage of one million dollars.

Substitute House Bill No. 6767

(b) No contractor shall employ any salesman to procure business from an owner unless the salesman is registered under this chapter.

(c) No individual shall act as a home improvement salesman for an unregistered contractor.

(d) On and after July 1, 2008, a home improvement contractor shall not perform gas hearth product work, as defined in subdivision (22) of section 20-330, unless such home improvement contractor holds a limited contractor or journeyman gas hearth installer license pursuant to section 20-334f.

(e) A retail establishment, which is a business that operates from a fixed location where goods or services are offered for sale, may apply annually for a certificate of registration as a salesperson on behalf of its employees if it employs or otherwise compensates one or more salespersons whose solicitation, negotiation and completion of sales are conducted entirely at the retail establishment or virtually or by phone. The retail establishment shall [:(1) Apply] (1) apply for such registration on a form prescribed by the commissioner, (2) maintain a list of all salespersons intended to be covered by the retailer's certificate of registration, and (3) pay a fee equal to the amount that would be due if each person were to apply individually for a certificate of registration, including the amount that would be due under the guaranty fund. The list of salespersons covered by the retailer's certificate of registration shall be made available to the department upon request. If any person covered by the retail establishment's salesperson certificate of registration conducts activity covered by the salesperson credential at a place other than the retail establishment or virtually or by phone, such person shall apply for an individual salesperson certificate of registration using the form prescribed by the commissioner for such registrations and shall pay the corresponding application fee.

(f) Certificates of registration for salespersons issued to retail

Substitute House Bill No. 6767

establishments shall not be transferable or assignable, except a retail establishment that is a holder of a salesperson certificate may remove an existing or former employee currently listed on the certification of registration and replace such person with a new or existing employee employed as a salesperson. If the retail establishment adds or removes salespeople, there shall be no refund or supplemental payment. The fee shall be based on the number of salespeople at the time of each renewal.

(g) A contractor or salesperson shall update, through the department's online licensing system, any application information the contractor or salesperson has provided to the department pursuant to this section, including, but not limited to, any contact information, insurance information or criminal history for such contractor or salesperson, or, if such contractor is a business entity, criminal histories of the individual owners of such business entity, not later than thirty days after any change in such information.

Sec. 12. Section 20-420a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No [corporation] business entity shall perform or offer to perform home improvements in this state unless such [corporation] business entity has been issued a certificate of registration by the commissioner. No such [corporation] business entity shall be relieved of responsibility for the conduct and acts of its agents, employees or officers by reason of its compliance with the provisions of this section, nor shall any individual contractor be relieved of responsibility for home improvements performed by reason of [his] such individual contractor's employment or relationship with such [corporation] business entity.

(b) A [qualifying corporation] business entity desiring a certificate of registration shall apply to the commissioner, online, on a form provided by the commissioner. The application shall (1) state the name and address of such [corporation] business entity, the city or town and the

Substitute House Bill No. 6767

street and number where such [corporation] business entity is to maintain its principal place of business in this state and the names and addresses of [officers; and] its individual owners, (2) contain a [statement that] list of one or more individuals who shall direct, supervise or perform home improvements for such [corporation are registered home improvement contractors] business entity, (3) require each individual owner of such business entity to disclose whether such individual owner has been found guilty or convicted as a result of an act which (A) constitutes a felony under the laws of this state or federal law, or (B) was committed in another jurisdiction but, if committed in this state, would constitute a felony under the laws of this state, and (4) such other information as the commissioner may require.

(c) Any certificate issued by the commissioner pursuant to this section may be revoked, suspended, or have conditions placed upon the holder of the certificate by the commissioner after notice and a hearing in accordance with the provisions of chapter 54 concerning contested cases, if it is shown that the holder of such certificate has not conformed to the requirements of this chapter, that the certificate was obtained through fraud or misrepresentation or that [the contractor of record employed by or acting on behalf of such corporation has had his certificate of registration suspended or revoked by the commissioner] any individual owner of such home improvement contractor, if such registrant is a business entity, has been convicted of a crime that would preclude such registrant from holding such registration in accordance with section 46a-80. The commissioner may refuse to issue or renew a certificate if any facts exist which would entitle the commissioner to suspend or revoke an existing certificate.

(d) Each such [corporation] business entity shall file with the commissioner, upon application or renewal thereof, a designation of an individual or individuals registered to perform home improvements in this state who shall direct or supervise the performance of home

Substitute House Bill No. 6767

improvements by such [corporation] business entity in this state. [Such corporation shall notify the commissioner of any change in such designation within thirty days after such change becomes effective.]

(e) Each such [corporation] business entity shall [file with the commissioner] confirm, upon application or renewal thereof, [a certificate of] that such applicant business entity is in good standing [issued by the office of] with the Secretary of the State. Such corporation shall notify the commissioner of any change in [corporate good] such standing [within] not later than thirty days after such change becomes effective.

(f) Each such business entity shall maintain a list of all of such business entity's employees and contractors, and all employment documents associated with such employees and contractors, in an auditable format for at least four taxable years. Such business entity shall, upon request by the commissioner or the commissioner's authorized representative, (1) immediately make such list and documents available to the commissioner or the commissioner's authorized representative for the purpose of inspecting and copying such list and documents, and (2) produce copies of such list and documents to the commissioner or the commissioner's authorized representative not later than two business days after the commissioner or the commissioner's authorized representative requests such copies. Such business entity shall make such list, documents and copies available to the commissioner or the commissioner's authorized representative in an electronic format unless it is not commercially practical for such business entity to make such list, documents and copies available to the commissioner or the commissioner's authorized representative in an electronic format.

Sec. 13. Section 20-421 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Substitute House Bill No. 6767

(a) Any person seeking a certificate of registration shall apply to the commissioner online, on a form provided by the commissioner. The application shall include (1) the applicant's name, residence address, business address, business telephone number [,] and electronic mail address, (2) a statement by the applicant disclosing whether the applicant has been found guilty or convicted as a result of an act which (A) constitutes a felony under the laws of this state or federal law, or (B) was committed in another jurisdiction but, if committed in this state, would constitute a felony under the laws of this state, (3) proof that the applicant has obtained general liability insurance coverage in an amount not less than twenty thousand dollars, demonstrated by providing the policy number and business name of the insurance provider, and (4) such other information as the commissioner may require.

(b) Each application for a certificate of registration as a home improvement contractor shall be accompanied by a fee of one hundred twenty dollars, except that no such application fee shall be required in any year during which such person has paid the registration fee required under section 20-417b, as amended by this act, or in any year in which such person's registration as a new home construction contractor is valid.

(c) Each application for a certificate of registration as a salesman shall be accompanied by a fee of one hundred twenty dollars.

(d) The application fee for a certificate of registration as a home improvement contractor acting solely as the contractor of record for a [corporation] business entity, shall be waived, provided the contractor of record shall use such registration for the sole purpose of directing, supervising or performing home improvements for such [corporation] business entity.

Sec. 14. Subsection (a) of section 20-426 of the general statutes is

Substitute House Bill No. 6767

repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The commissioner may revoke, suspend or refuse to issue or renew any certificate of registration as a home improvement contractor or salesperson or place a registrant on probation or issue a letter of reprimand [for: (1) Conduct] (1) for conduct of a character likely to mislead, deceive or defraud the public or the commissioner, [;] (2) for engaging in any untruthful or misleading advertising, [;] (3) for failing to reimburse the guaranty fund established pursuant to section 20-432, as amended by this act, for any moneys paid to an owner pursuant to subsection (o) of section 20-432, [;] (4) for unfair or deceptive business practices, [;] (5) subject to section 46a-80, based on a felony conviction of an individual registrant or an individual owner of a registrant that is a business entity; or [(5)] (6) for violation of any of the provisions of the general statutes relating to home improvements or any regulation adopted pursuant to any of such provisions. The commissioner may refuse to issue or renew any certificate of registration as a home improvement contractor or salesperson of any person subject to the registration requirements of chapter 969.

Sec. 15. Subsection (d) of section 20-427 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) The commissioner may, after notice and a hearing in accordance with the provisions of chapter 54, impose a civil penalty on any person who engages in or practices the work or occupation for which a certificate of registration is required by this chapter without having first obtained such a certificate of registration or who wilfully employs or supplies for employment a person who does not have such a certificate of registration or who wilfully and falsely pretends to qualify to engage in or practice such work or occupation, or who engages in or practices any of the work or occupations for which a certificate of registration is

Substitute House Bill No. 6767

required by this chapter after the expiration of such person's certificate of registration or who violates any of the provisions of this chapter or the regulations adopted pursuant thereto. Such penalty shall be in an amount not more than [five hundred dollars for a first violation of this subsection, not more than seven hundred fifty dollars for a second violation of this subsection occurring not more than three years after a prior violation, not more than] one thousand five hundred dollars [for a third or subsequent violation of this subsection occurring not more than three years after a prior violation and, in the case of radon mitigation work, such penalty shall be not less than two hundred fifty dollars] per violation. Any civil penalty collected pursuant to this subsection shall be deposited in the consumer protection enforcement account established in section 21a-8a.

Sec. 16. Subsection (b) of section 20-432 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Each salesman who receives a certificate pursuant to this chapter shall pay a fee of forty dollars annually. Each contractor (1) who receives a certificate pursuant to this chapter, or (2) receives a certificate pursuant to chapter 399a and has opted to engage in home improvement pursuant to subsection [(g)] (f) of section 20-417b, as amended by this act, shall pay a fee of one hundred dollars annually to the guaranty fund. Such fee shall be payable with the fee for an application for a certificate or renewal thereof. The annual fee for a contractor who receives a certificate of registration as a home improvement contractor acting solely as the contractor of record for a corporation shall be waived, provided the contractor of record shall use such registration for the sole purpose of directing, supervising or performing home improvements for such corporation.

Sec. 17. Subsection (m) of section 20-540 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from*

Substitute House Bill No. 6767

passage):

(m) (1) Any individual who has been convicted of any criminal offense may request, at any time, that the [commissioner] Department of Consumer Protection determine whether such individual's criminal conviction disqualifies [the] such individual from obtaining a certificate or license [or certificate] issued or conferred [by the commissioner] pursuant to this section.

(2) An individual making [such] a request under subdivision (1) of this subsection shall [include (A)] make such request on a form, and in a manner, prescribed by the Commissioner of Consumer Protection, which form shall require the individual to (A) submit to state and national criminal history records checks conducted in accordance with section 29-17a, and (B) provide details of the individual's criminal conviction. [, and (B) any payment required by the commissioner. The commissioner may charge a fee of not more than fifteen dollars for each request made under this subsection. The commissioner may waive such fee.]

[(2)] (3) Not later than thirty days after receiving a complete request under subdivisions (1) and (2) of this subsection, the [commissioner] department shall inform the individual making such request whether, based on the criminal record information submitted, such individual is disqualified from receiving or holding a [license or] certificate or license issued pursuant to this section.

[(3)] (4) The [commissioner] department is not bound by a determination made under this section [,] if, upon further investigation, the [commissioner] department determines that the individual's criminal conviction differs from the information presented in [the] such individual's determination request made under this subsection.

Sec. 18. Section 20-677 of the general statutes is repealed and the

Substitute House Bill No. 6767

following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) Each person obtaining a homemaker-companion agency certificate of registration shall [:(1) Exhibit] (1) exhibit the agency's certificate of registration upon request by any interested party, (2) state in any advertisement the fact that the agency is registered, and (3) include the agency's registration number in any advertisement.

(b) No person shall [:(1) Present] (1) present or attempt to present, as such person's own, the certificate of another, (2) knowingly give false evidence of a material nature to the Commissioner of Consumer Protection for the purpose of procuring a certificate, (3) represent [himself or herself] such person falsely as, or impersonate, a registered homemaker-companion agency, (4) use or attempt to use a certificate which has expired or which has been suspended or revoked, (5) offer or provide homemaker services or companion services without having a current certificate of registration under the provisions of sections 20-670 to 20-680, inclusive, or (6) represent in any manner that such person's registration constitutes an endorsement by the commissioner of the quality of services provided by such person.

(c) In addition to any other remedy provided for in sections 20-670 to 20-676, inclusive, any person who violates any provision of subsection (b) of this section shall be fined not more than one thousand dollars or imprisoned not more than six months, or both.

(d) Certificates issued to a homemaker-companion agency shall not be transferable or assignable. Prior to any sale or change in ownership of a registered homemaker-companion agency, each proposed new individual owner, or, if a proposed new owner is a business entity, the individual owners of such business entity, shall submit to state and national criminal history records checks as required under section 20-672, unless:

Substitute House Bill No. 6767

(1) The proposed new owner (A) owns less than ten per cent of the shares or other equity interests in any publicly listed or traded homemaker-companion agency, and (B) will not engage in the day-to-day operations, or direct the management and policies, of the registered homemaker-companion agency that is the subject of the proposed sale or change in ownership;

(2) The proposed new owner (A) owns less than five per cent of the shares or other equity interests in any private homemaker-companion agency, and (B) will not engage in the day-to-day operations, or direct the management and policies, of the registered homemaker-companion agency that is the subject of the proposed sale or change in ownership;
or

(3) The commissioner waives the requirement that a new application be filed under section 20-672.

(e) All certificates issued under the provisions of sections 20-670 to 20-680, inclusive, shall expire annually. The fee for renewal of a certificate shall be the same as the fee charged for an original application pursuant to section 20-672. Fees collected pursuant to the issuance of a certificate or renewal of a certificate shall be deposited in the General Fund.

(f) Failure to receive a notice of expiration of registration or a renewal application shall not exempt a homemaker-companion agency from the obligation to renew.

(g) Not later than ten days before a homemaker-companion agency ceases providing all homemaker services and companion services in this state, the homemaker-companion agency shall send a written notice to the Department of Consumer Protection disclosing the impending cessation and contact information that the department may use to contact such homemaker-companion agency to obtain additional

Substitute House Bill No. 6767

information.

(h) (1) Except as provided in subdivision (2) of this subsection, a homemaker-companion agency shall, not later than ten days before the homemaker-companion agency unilaterally ceases providing homemaker services or companion services to any person in this state, send a written notice to such person disclosing (A) the impending cessation, (B) how such person may transition to alternative care, (C) how such person shall be reimbursed for any prepaid homemaker services or companion services, and (D) contact information that such person may use to contact such homemaker-companion agency to obtain additional information.

(2) A homemaker-companion agency may cease providing homemaker services or companion services to any person in this state during the notice period established in subdivision (1) of this subsection if (A) such person, such person's authorized representative or any other person who resides in, or has access to, such person's home has verbally or physically abused, threatened or otherwise mistreated an employee of such homemaker-companion agency, (B) providing such homemaker services or companion services would place such homemaker-companion agency at risk of failing to comply with any applicable local, state or federal law, including, but not limited to, any applicable local, state or federal antidiscrimination, employment, health or occupational safety law, or (C) such person has failed to tender payment for such homemaker services or companion services pursuant to the written contract or service plan.

Sec. 19. Section 20-679 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) A homemaker-companion agency shall disclose, in writing, to a person who is scheduled to receive homemaker services or companion services, or such person's authorized representative, the full legal name

Substitute House Bill No. 6767

of the employee who will provide such services. The homemaker-companion agency shall make such disclosure to such person, or such person's authorized representative, before such employee enters such person's home.

[(a)] (b) Not later than seven calendar days after the date on which a homemaker-companion agency commences providing homemaker services or companion services, such agency shall provide the person who receives [the] such services, or the authorized representative of such person, with a written contract or service plan that prescribes the anticipated scope, type, frequency, duration and cost of [the] such services. [provided by the agency.] In addition, any contract or service plan provided by a homemaker-companion agency to a person receiving homemaker services or companion services shall also provide conspicuous notice, in boldface type, disclosing (1) [of] the person's right to request changes to, or review of, the contract or service plan, (2) [of] that such agency shall provide at least sixty days' advance written notice to such person or such person's authorized representative disclosing any change in the rate for the same level or type of services provided and charged for such services, (3) the employees of such agency who, pursuant to section 20-678 are required to submit to a comprehensive background check, [(3)] (4) that upon the request of such person or an authorized representative of such person, such agency shall provide such person or representative of such person with written notice that a comprehensive background check, as required pursuant to section 20-678, was performed for all employees of such agency performing homemaker services or companion services for such person, [(4)] (5) that such agency's records are available for inspection or audit by the Department of Consumer Protection, [(5)] (6) that the agency is not able to guarantee the extent to which its homemaker services or companion services will be covered under any insurance plan, and [(6)] (7) that such contract or service plan may be cancelled at any time by the client if such contract or service plan does not contain a specific period

Substitute House Bill No. 6767

of duration. No contract or service plan for the provision of homemaker or companion services shall be valid against the person who receives the services or the authorized representative of such person, unless the contract or service plan has been signed by a duly authorized representative of the homemaker-companion agency and the person who receives the services or the authorized representative of such person. No change in the rate for the same level or type of services provided and charged for homemaker services or companion services shall be valid against a person who is receiving such services unless the homemaker-companion agency providing such services provides at least sixty days' advance written notice to such person, or such person's authorized representative, disclosing such rate change. The requirements of this section shall not apply to homemaker services or companion services provided under the Connecticut home-care program for the elderly administered by the Department of Social Services in accordance with section 17b-342. A written contract or service plan between a homemaker-companion agency and a person receiving services or the authorized representative of such person shall not be enforceable against such person receiving services or authorized representative unless such written contract or service plan contains all of the requirements of this section.

[(b)] (c) Nothing in this section shall preclude a homemaker-companion agency that has complied with subdivisions (1) to [(6)] (7), inclusive, of subsection [(a)] (b) of this section from the recovery of payment for work performed based on the reasonable value of homemaker services or companion services which were requested by the person receiving such services, provided the court determines that it would be inequitable to deny such recovery.

Sec. 20. Subsections (c) to (f), inclusive, of section 21a-4 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

Substitute House Bill No. 6767

(c) The Commissioner of Consumer Protection may impose a [fine] late fee on any applicant who fails to renew a license, permit, certificate or registration [not later than] on or before the expiration date of such license, permit, certificate or registration. The amount of the [fine] late fee shall be equal to ten per cent of the renewal fee but shall not be less than ten dollars or more than one hundred dollars.

(d) [Notwithstanding any other provision of the general statutes, each applicant whose license has lapsed for a period longer than the length of time allowing automatic reinstatement may apply for reinstatement to the appropriate board. Upon receipt of such application and payment of the fee, the department may, at its discretion, reinstate a lapsed license without examination, provided such application for reinstatement is accompanied by a notarized letter and supporting documentation attesting to the applicant's related work experience in their occupation or profession from the time he or she had let such license lapse. Such applicant, upon approval by the department, shall pay all back license and late fees in order for such license to be reinstated.] If the Department of Consumer Protection does not receive a completed license, permit, certificate or registration renewal application from an applicant on or before the expiration date of such license, permit, certificate or registration but the applicant submits a completed renewal application to the department not later than ninety days after such expiration date, the applicant shall pay any late fee imposed by the commissioner under subsection (c) of this section but shall not be required to apply for reinstatement under subsection (e) of this section.

(e) When a license, permit, [certification] certificate or registration has lapsed for a period longer than ninety days after its expiration date or the length of time specified in any other provision of the general statutes allowing [automatic] for its reinstatement, [or the general statutes are silent as to the period of time during which reinstatement of the license,

Substitute House Bill No. 6767

permit, certification or registration is permissible] an applicant may apply [for reinstatement to the department] to the Department of Consumer Protection to reinstate such lapsed license, permit, certificate or registration. Upon receipt of such completed reinstatement application and payment of the corresponding application fee, the department may, in the department's discretion and if such application [was] is made not later than three years after [the] such expiration date [allowing automatic reinstatement] or specified time, reinstate [the] such lapsed license, permit, [certification] certificate or registration without examination. The applicant, prior to reinstatement by the department, shall [pay all back license and late fees, unless the applicant attests] attest that [he or she] the applicant has not worked in the applicable occupation or profession in this state while [the] such license, permit, [certification] certificate or registration was lapsed, [in which case the applicant shall] pay the current year's renewal fee for reinstatement and take any continuing education required for the year preceding such reinstatement and the year of such reinstatement. If the applicant worked in the applicable occupation or profession in this state while such license, permit, certificate or registration was lapsed, the applicant shall pay all license and late fees due and owing for the period in which such license, permit, certificate or registration was lapsed and demonstrate to the department that the applicant has completed all continuing education required for the year preceding reinstatement. If [the] a license, permit, [certification] certificate or registration [lapse is three years or more] has lapsed for longer than three years after the license, permit, certificate or registration expiration date or the length of time specified in any other provision of the general statutes allowing for reinstatement, whichever is longer, the applicant shall apply for a new license, permit, [certification] certificate or registration under this subsection. No person who had a license, permit, certificate or registration that lapsed during the three years immediately preceding the date of an application made pursuant to this subsection may seek a new license, permit, certificate or registration of the same type under the

Substitute House Bill No. 6767

same name.

(f) Unless expressly provided otherwise by law, application fees for a license, permit, [certification] certificate or registration within the purview of the Department of Consumer Protection shall be nonrefundable.

Sec. 21. Subsection (a) of section 21a-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) The Commissioner of Consumer Protection may, subject to the provisions of chapter 67, employ such agents and assistants as are necessary to enforce the provisions of the general statutes wherein [said] the commissioner is empowered to carry out the duties and responsibilities assigned to [him or his department] the commissioner or the Department of Consumer Protection. For the purpose of inquiring into any suspected violation of such provisions, the commissioner and [his] the commissioner's deputy and assistants shall have free access, at all reasonable hours, to all places and premises, homes and apartments of private families keeping no boarders excepted. The commissioner and [his or her] the commissioner's deputy or assistants shall have the authority to issue citations pursuant to section 51-164n for violations for the purpose of enforcing such provisions. The commissioner may delegate [his or her] the commissioner's authority to render a final decision in a contested case to a hearing officer employed by, or contracted with, the department.

(2) Notwithstanding the provisions of the Freedom of Information Act, as defined in section 1-200, all records, papers and documents obtained during an investigation or enforcement action conducted pursuant to subdivision (1) of this subsection shall be confidential and not subject to disclosure under said act until such investigation or enforcement action has been finally adjudicated or otherwise settled or

Substitute House Bill No. 6767

closed.

Sec. 22. Subsection (a) of section 21a-101 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) A food shall be deemed to be adulterated:

(1) (A) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but, if the substance is not an added substance, such food shall not be considered adulterated under this clause if the quantity of such substance in such food would not ordinarily render it injurious to health; (B) if it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of section 21a-104; (C) if it consists in whole or in part of any diseased, contaminated, filthy, putrid or decomposed substance or if it is otherwise unfit for food; (D) if it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health; (E) if it is in whole or in part the product of a diseased animal or of an animal which has died otherwise than by slaughter or which has been fed on the uncooked offal from a slaughterhouse; or (F) if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health;

(2) (A) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; (B) if any substance has been substituted wholly or in part therefor; (C) if damage or inferiority has been concealed in any manner; or (D) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is;

Substitute House Bill No. 6767

(3) If it bears or contains a color additive which is unsafe within the meaning of section 21a-104;

(4) If it is confectionery and it bears or contains any alcohol or nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of one per cent, harmless natural gum or pectin; provided this subdivision shall not apply to any confectionery by reason of its containing less than one-half of one per cent by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances, or any alcohol-infused confection subject to regulations adopted under subsection (b) of this section; and

(5) If such food is to be offered for sale at retail as a food product and a retail or wholesale establishment has added to such food any sulfiting agent, including sulfur dioxide, sodium sulfite, sodium bisulfite, potassium bisulfite, sodium metabisulfite or potassium metabisulfite, separately or in combination, [to such food] unless such sulfiting agent is an incidental additive, as defined in section 21a-104a, as amended by this act.

Sec. 23. Section 21a-104a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section:

(1) "Incidental additive" has the same meaning as provided in 21 CFR 101.100, as amended from time to time;

(2) "Manufacturer" means any person, firm or corporation which (A) produces or grows food, and (B) packages such food for resale or distribution;

[(1)] (3) "Person" means any individual, partnership, firm,

Substitute House Bill No. 6767

association, limited liability company or corporation; and

[(2)] (4) "Sulfiting agent" means any sulfur dioxide, sodium sulfite, sodium bisulfite, potassium bisulfite, sodium metabisulfite or potassium metabisulfite. [;]

[(3) "Manufacturer" means any person, firm or corporation which produces or grows food and which packages such food for resale or distribution.]

(b) No person who sells, offers for sale or distributes food, other than a manufacturer of food, shall add any sulfiting agent, other than an incidental additive, to any food sold, offered for sale or distributed in this state.

[(c) Any retailer who displays, sells or offers for sale any bulk display of unpackaged food, including food displayed in any salad bar, which food contains any sulfiting agent, shall prominently display a sign which shall read as follows:

THIS PRODUCT CONTAINS A SULFITING AGENT. SULFITES MAY CAUSE AN ALLERGIC REACTION IN CERTAIN PERSONS, PARTICULARLY ASTHMATICS.

Each letter on such sign shall be not less than one-half inch in height and shall be of the same type, style and color, which color shall contrast clearly with the background of such sign.]

(c) Each sulfiting agent that is added to any food or to any ingredient in any food shall comply with the requirements established in 21 CFR 101.100(a)(4), as amended from time to time.

(d) [Any] Except as provided in 21 CFR 101.100, as amended from time to time, with respect to incidental additives, any manufacturer who adds a sulfiting agent to any food or to any ingredient in any food,

Substitute House Bill No. 6767

which sulfiting agent is present in the finished food product, shall include such sulfiting agent as an ingredient of the food in the ingredient statement of the label attached to such food product. Such ingredient statement shall indicate the name of the sulfiting agent and the function of such sulfiting agent.

Sec. 24. Section 21a-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

When used in this section and sections [21a-231] 21a-232 to 21a-236, inclusive, as amended by this act:

(1) "Bedding" means any mattress, pillow, cushion, quilt, bed pad, comforter, sleeping bag, upholstered spring bed, box spring, davenport, bedspring metal couch, metal bed, metal cradle, hammock pillow, upholstered furniture or other substantially similar article or part thereof used or intended to be used for sleeping, resting or reclining.

(2) "Commissioner" means the Commissioner of Consumer Protection or such commissioner's designee.

(3) "Department" means the Department of Consumer Protection.

(4) "Fee", "permit fee" and "license fee" mean the respective fees paid at the time of application for the issuance or renewal of any permit or license.

(5) "Filling material" means any natural or synthetic fibers or filaments, down, feathers or other soft material which may be used in the manufacture of bedding.

(6) "Importer" means any person who imports bedding from outside the United States.

(7) "Manufacture", "make", or "made" refer to the assembly, construction or the importation of bedding or filling material for sale.

Substitute House Bill No. 6767

(8) "Manufacturer" means any person who makes or prepares for sale or imports bedding, in whole or in part, that contains filling material.

(9) "New" means any filling material or bedding which has not been previously used for any purpose.

(10) "Person" means an individual, partnership, corporation, limited liability company, association, receiver or agent.

(11) "Renovate" means addition of new filling material to bedding.

(12) "Renovator" means any person who adds new filling material to bedding for a fee.

(13) "Sale", "sell", or "sold" means offering or exposing for sale or exchange or lease or holding in possession with like intent.

(14) "Sanitized" or "method of sanitation" means the direct application of chemicals to kill pathogenic agents.

(15) "Sterilized" or "method of sterilization" refers to the mitigation of any infective and deleterious substances including germs, fungi and insects from bedding or filling material by a process approved by the commissioner.

(16) "Secondhand" means any filling material or bedding subject to prior use.

(17) "Secondhand dealer" means any person who sells any secondhand bedding.

[(18) "Supply dealer" means any person who manufactures, processes, packages, repackages or otherwise prepares for sale, any filling or material.]

[(19)] (18) "Upholstered furniture" means any furniture that contains

Substitute House Bill No. 6767

filling material and is used or intended to be used for sitting, resting or reclining.

Sec. 25. Subsection (m) of section 21a-232 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(m) No manufacturer, [supply dealer,] renovator, secondhand dealer or vendor shall deliver any tag required by this chapter unless it is affixed to an article of bedding or filling material provided that the commissioner may permit the delivery of unattached tags.

Sec. 26. Subsections (a) to (d), inclusive, of section 21a-233 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Every article of bedding or filling material offered for sale shall have attached to it a tag which states: The name, as approved by the commissioner, of the filling material; whether the filling material is new or secondhand; the license number of the manufacturer, [supply dealer,] renovator or secondhand dealer; the name and address of the manufacturer, [supply dealer,] secondhand dealer, renovator or vendor; when applicable, the words "contents sterilized" and the permit number of the sterilizer; and the per cent by weight of each filling material. Secondhand bedding which has not been renovated may also bear on the tag the statement "as is-- contents unknown". Nothing other than the disclosures and statements required or permitted by this chapter shall appear on the tag.

(b) All tags attached to new bedding and filling material shall be legibly marked with the date of delivery to the consumer.

(c) Renovated bedding shall bear a tag which, in addition to the other statements required by this chapter, states: "Renovated for" followed by the name and address of the person for whom the bedding is renovated,

Substitute House Bill No. 6767

the name and address of the renovator, the date sterilized, that the bedding contains the same filling material as when it was received, and the name and per cent by weight of each filling material added during renovation.

(d) Each container of filling material shall bear a tag which states: The name, license number and address of the manufacturer [, supply dealer] or vendor; the name of the filling material and whether the filling material is new or secondhand; and, if sterilized, the words "contents sterilized" and the permit number of the sterilizer. New bedding or new filling material shall not be transported with secondhand bedding or secondhand filling material that has not been sterilized.

Sec. 27. Subsections (a) to (c), inclusive, of section 21a-234 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No person shall act as a manufacturer, [supply dealer,] importer, renovator or secondhand dealer without first completing an application and obtaining a numbered license from the commissioner. The license shall be conspicuously posted in the establishment of the person to whom the license is issued. A license shall be valid for one year.

(b) Any method of sterilization or sanitation used in connection with this chapter shall require the prior approval of the commissioner. Each person who wishes to sterilize or sanitize bedding or filling material shall complete an application and obtain a numbered permit from the commissioner. The permit must be conspicuously posted in the establishment of the person to whom the permit is issued. Each permit shall cost twenty-five dollars and shall be valid for one year.

(c) Manufacturers shall pay, prior to the issuance or reissuance of a license, a fee of one hundred dollars. The licensee may then operate as a manufacturer, [supply dealer,] renovator or secondhand dealer.

Substitute House Bill No. 6767

[Supply dealers shall pay, prior to the issuance or reissuance of a license, a fee of one hundred dollars. The licensee may then operate as a supply dealer, renovator or secondhand dealer.] Renovators shall pay, prior to the issuance or reissuance of a license, a fee of fifty dollars. The licensee may then operate as a renovator and secondhand dealer. Secondhand dealers shall pay, prior to the issuance or reissuance of a license, a fee of fifty dollars. The licensee may then operate as a secondhand dealer. Importers shall pay, prior to the issuance or reissuance of a license, a fee of one hundred dollars.

Sec. 28. Subsection (e) of section 21a-415 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) The department may renew a dealer registration issued under this section that has expired if the applicant pays to the department any [fine] late fee imposed by the commissioner pursuant to subsection (c) of section 21a-4, as amended by this act, which [fine] late fee shall be in addition to the fees prescribed in this section for the dealer registration applied for. The provisions of this subsection shall not apply to any dealer registration which is the subject of administrative or court proceedings.

Sec. 29. Subsection (d) of section 21a-415a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) The department may renew a manufacturer registration issued under this section that has expired for a period of six months or less if the applicant pays to the department any [fine] late fee imposed by the commissioner pursuant to subsection (c) of section 21a-4, as amended by this act, which [fine] late fee shall be in addition to the fees prescribed in this section for the certificate of manufacturer registration applied for. The provisions of this subsection shall not apply to any manufacturer

Substitute House Bill No. 6767

registration which is the subject of administrative or court proceedings.

Sec. 30. Subsection (b) of section 21a-190c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) [A] (1) For a financial statement that is initially due on or before July 1, 2023, a charitable organization with gross revenue in excess of five hundred thousand dollars in the year covered by the report shall include with [its] the charitable organization's financial statement an audit report of a certified public accountant.

(2) For a financial statement that is initially due after July 1, 2023, a charitable organization shall include with the charitable organization's financial statement (A) an attestation that an audit report has been completed by a certified public accountant if the charitable organization had gross revenue in excess of one million dollars in the year covered by such report, or (B) an attestation that an audit or review report has been completed by a certified public accountant if the charitable organization had gross revenue in excess of five hundred thousand dollars but not more than one million dollars in the year covered by such report.

(3) For the purposes of this [section] subsection, gross revenue shall not include grants or fees from government agencies or the revenue derived from funds held in trust for the benefit of the organization.

(4) The commissioner may, upon written request and for good cause shown, waive the audit or review report requirement under this subsection.

Sec. 31. Subsection (a) of section 21a-190b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Substitute House Bill No. 6767

(a) Every charitable organization not exempted by section 21a-190d shall annually register with the department prior to conducting any solicitation or prior to having any solicitation conducted on its behalf by others. Application for registration shall be in a form prescribed by the commissioner and shall include a nonrefundable application fee of fifty dollars. Such application shall include: (1) A registration statement, (2) an annual financial report for such organization for the preceding fiscal year that is prepared in accordance with the provisions of subsection (a) of section 21a-190c, and (3) an audited or reviewed financial statement as required by subsection (b) of section 21a-190c, as amended by this act. An authorized officer of the organization shall certify that the statements therein are true and correct to the best of their knowledge. A chapter, branch or affiliate in this state of a registered parent organization shall not be required to register provided the parent organization files a consolidated annual registration for itself and its chapter, branch or affiliate. Each charitable organization shall annually renew its registration not later than eleven months after the end of such organization's fiscal year.

Sec. 32. Subsections (d) to (h), inclusive, of section 42-471 of the general statutes, as amended by section 5 of public act 23-98, are repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(d) (1) Except as provided in subdivision (2) of this subsection, for persons who hold a license, registration or certificate issued by, or a charter subject to the supervision of, a state agency other than the Department of Consumer Protection, this section shall be enforceable only by such other state agency pursuant to such other state agency's existing statutory and regulatory authority.

(2) The provisions of subdivision (1) of this subsection shall not apply to actions undertaken by the Attorney General.

Substitute House Bill No. 6767

[(e) Any person or entity that violates the provisions of this section shall be subject to a civil penalty of five hundred dollars for each violation, provided such civil penalty shall not exceed five hundred thousand dollars for any single event. It shall not be a violation of this section if such violation was unintentional. A violation of this section shall constitute an unfair trade practice under subsection (a) of section 42-110b, provided the provisions of section 42-110g shall not apply to such violation. Nothing in this section shall be construed to create a private right of action.]

(e) (1) A violation of this section shall constitute an unfair trade practice under subsection (a) of section 42-110b, provided the provisions of section 42-110g shall not apply to such violation. Nothing in this section shall be construed to create a private right of action.

(2) In the event of a violation of this section, the Department of Consumer Protection may conduct an administrative hearing, in accordance with chapter 54, and impose a civil penalty of not more than five thousand dollars per violation.

(f) The provisions of this section shall not apply to any agency or political subdivision of the state.

(g) If a financial institution has adopted safeguards that comply with the standards established pursuant to Section 501(b) of the Gramm-Leach-Bliley Act of 1999, 15 USC 6801, then such compliance shall constitute compliance with the provisions of this section.

(h) Any civil penalties received pursuant to this section may be deposited into the privacy protection guaranty and enforcement account established pursuant to section 42-472a.

Approved June 29, 2023