



House of Representatives

General Assembly

File No. 229

January Session, 2023

Substitute House Bill No. 6767

House of Representatives, March 27, 2023

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

AN ACT 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:

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2 general statutes are repealed and the following is substituted in lieu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

4 (a) Each person shall publicly display and maintain on each pump or
5 other dispensing device from which any gasoline or other product
6 intended as a fuel for aircraft, motor boats or motor vehicles is sold by
7 such person, such signs as the Commissioner of Consumer Protection,
8 by regulation adopted pursuant to chapter 54, may require to inform the
9 public of the octane rating and price of such gasoline or other product.
10 Each person selling such gasoline or other product on both a full-serve
11 and self-serve basis and displaying the price of such gasoline or other
12 product at a location on the premises other than at a pump or other
13 dispensing device shall include in such display both the full-serve and

14 self-serve prices of such gasoline or other product, in such manner as
15 the commissioner, by regulation, may require. All signs as to price shall
16 [be] display the per-gallon price and shall not [be] display the price of
17 less or more than one gallon, except that a sign as to the price of a
18 specialty engine fuel, including, but not limited to, a racing fuel or a fuel
19 intended for an agricultural or other off-road application, that is not
20 subject to a quality or usability standard established by the American
21 Society for Testing and Materials, or another national consensus quality
22 or usability standard, may display the price per gallon, per one-half
23 gallon or per liter.

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

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

42 (d) Any manufacturer, hauler, blender, agent, jobber, consignment
43 agent, or distributor who distributes gasoline, or other products
44 intended as fuel for aircraft, motor boats, or motor vehicles, which
45 contain one per cent or more alcohol by volume, shall state the
46 percentage of alcohol and the type of alcohol on any invoice, bill of

47 lading, shipping paper, or other documentation used in normal and
48 customary business practices.

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

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

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

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

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

91 (B) A heating fuel dealer who leases or lends, or who leased or lent, a
92 heating fuel tank and associated equipment to a consumer shall remove
93 such tank and associated equipment from the consumer's residential
94 premises not later than thirty days after the heating fuel dealer
95 disconnects such tank and associated equipment.

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

111 (3) (A) If a tank installed underground is provided to a consumer, a
112 contract for such tank shall contain a clause providing the consumer

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

133 (B) If a tank installed above ground is provided to a consumer, a
134 contract for such tank shall contain a clause providing the consumer
135 with the option to purchase a new tank and associated equipment at a
136 price not exceeding a commercially reasonable price at any time during
137 the length of the contract. The purchase price for the tank, associated
138 equipment and associated installation charges shall be disclosed in the
139 contract and not increase before the contract expires. Any waiver of
140 liability or transfer of warranty shall be stated in the contract. No
141 contract for such tank shall be valid or enforceable unless the consumer
142 has initialed a clear and conspicuous statement in all capital letters [of
143 no less than] in at least twelve-point boldface type, indicating that the
144 consumer is aware of such option to purchase a new tank and associated
145 equipment. Upon purchase of the tank and any associated equipment,
146 any existing contract obligations pursuant to subdivisions (1) and (2) of
147 this subsection shall terminate immediately, except for guaranteed price

148 plans pursuant to chapter 296a.

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

155 (5) A written contract for the sale of heating fuel or lease of equipment
156 that calls for an automatic renewal of the contract is not valid unless
157 such contract complies with the provisions of this section, section 42-
158 126b and chapter 296a.

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

165 (7) The requirement that contracts be in writing pursuant to this
166 section shall not apply to agreements that are solely automatic delivery
167 where: (A) The consumer may terminate automatic delivery at any time
168 and where no fee, charge, surcharge or penalty is assessed for
169 termination; [] and (B) the dealer providing automatic delivery
170 provides written notice to the consumer the dealer serves under
171 automatic delivery of the method for the termination of automatic
172 delivery, as specified in this subdivision. Such written notice shall be
173 included with each invoice for products subject to automatic delivery.
174 Notice from a consumer to a dealer requesting termination of automatic
175 delivery may be delivered to the dealer by (i) a written request by the
176 consumer delivered by certified mail to the dealer, (ii) electronic mail
177 sent from the consumer to a valid electronic mail address of the dealer,
178 or (iii) electronic facsimile by the consumer to be sent to a valid facsimile
179 number at the dealer's place of business. The consumer shall give notice
180 at least one day prior to the day upon which the consumer desires to

181 terminate automatic delivery. The consumer shall not be responsible for
182 payment of deliveries made by the dealer after such notice has been
183 given, except for deliveries made within one business day after such
184 notice has been given and which were scheduled for delivery by the
185 dealer prior to such notice being given, provided consideration shall be
186 given for weekend and holiday closings or extenuating circumstances
187 not under the control of the dealer.

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

195 (c) The requirement that contracts be in writing as set forth in this
196 section may be satisfied pursuant to the provisions of: (1) The
197 Connecticut Uniform Electronic Transactions Act, sections 1-266 to 1-
198 286, inclusive; [] (2) sections 42a-7-101 to 42a-7-106, inclusive; [] or (3)
199 the Electronic Signatures in Global and National Commerce Act, 15 USC
200 7001 et seq. Except as provided in subsection (d) of this section, verbal
201 telephonic communications shall not satisfy the writing requirement of
202 this section.

203 (d) The requirement that contracts be in writing pursuant to this
204 section and section 16a-23n may be satisfied telephonically, only if a
205 heating fuel dealer:

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

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

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

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

219 (5) Retains a copy of each such letter.

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

230 (f) No heating fuel dealer shall assess a fee, charge or surcharge on
231 any delivery, including, but not limited to, any delivery under an
232 automatic delivery agreement, initiated by the dealer to a consumer.

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

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

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

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

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

242 delivery.

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

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

257 (j) The Commissioner of Consumer Protection may adopt regulations
258 pursuant to chapter 54 to: (1) Establish a consumer bill of rights
259 regarding home heating dealers; [,] (2) require heating fuel dealers to
260 provide consumers with such consumer bill of rights prior to entering
261 into a contract; [,] and (3) permit home heating dealers to post such
262 consumer bill of rights on their Internet web sites or record and play
263 back such consumer bill of rights when consumers call the offices of
264 such heating fuel dealers.

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

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

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

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

281 (b) (1) Any individual who has been convicted of any criminal offense
282 may request, at any time, that the [board] Department of Consumer
283 Protection determine whether such individual's criminal conviction
284 disqualifies [the] such individual from obtaining a certificate or license
285 issued or conferred [by the board] pursuant to this chapter based on (A)
286 the nature of the conviction and its relationship to [the] such
287 individual's ability to safely or competently perform the duties or
288 responsibilities associated with such certificate or license, (B)
289 information pertaining to the degree of rehabilitation of [the] such
290 individual, and (C) the time elapsed since the conviction or release of
291 [the] such individual.

292 (2) An individual making [such] a request under subdivision (1) of
293 this subsection shall [include (A)] make such request on a form, and in
294 a manner, prescribed by the Commissioner of Consumer Protection,
295 which form shall require the individual to (A) submit to state and
296 national criminal history records checks conducted in accordance with
297 section 29-17a, and (B) provide details of the individual's criminal
298 conviction. [, and (B)] Such individual shall make any payment required
299 by the [board. The board] department to cover the cost of conducting
300 such criminal history records checks concerning such individual, and
301 the department may charge [a] an administrative processing fee of not
302 more than fifteen dollars for each request made under this subsection.
303 [The board may waive such fee.]

304 (3) Not later than thirty days after receiving a complete request under
305 subdivisions (1) and (2) of this subsection, the [board] department shall
306 inform the individual making such request whether, based on the

307 criminal record information submitted, such individual is disqualified
308 from receiving or holding a certificate or license issued pursuant to this
309 chapter.

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

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

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

329 (2) An individual making [such] a request under subdivision (1) of
330 this subsection shall [include (A)] make such request on a form, and in
331 a manner, prescribed by the Commissioner of Consumer Protection,
332 which form shall require the individual to (A) submit to state and
333 national criminal history records checks conducted in accordance with
334 section 29-17a, and (B) provide details of the individual's criminal
335 conviction. [, and (B)] Such individual shall make any payment required
336 by the [commissioner. The commissioner] department to cover the cost
337 of conducting such criminal history records checks concerning such
338 individual, and the department may charge [a] an administrative
339 processing fee of not more than fifteen dollars for each request made

340 under this subsection. [The commissioner may waive such fee.]

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

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

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

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

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

368 (c) An architect licensed in this state who holds a certificate of
369 registration as an interior designer issued under chapter 396a shall be
370 subject to (1) the continuing education requirements for registered

371 interior designers established in subsections (f) and (g) of section 20-
372 377s, and (2) the fee for renewal of such certificate of registration
373 established in subsection (e) of section 20-377s.

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

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

388 (2) An individual making [such] a request under subdivision (1) of
389 this subsection shall [include (A)] make such request on a form, and in
390 a manner, prescribed by the Commissioner of Consumer Protection,
391 which form shall require the individual to (A) submit to state and
392 national criminal history records checks conducted in accordance with
393 section 29-17a, and (B) provide details of the individual's criminal
394 conviction. [, and (B)] Such individual shall make any payment required
395 by the [commissioner. The commissioner] department to cover the cost
396 of conducting such criminal history records checks concerning such
397 individual, and the department may charge [a] an administrative
398 processing fee of not more than fifteen dollars for each request made
399 under this subsection. [The commissioner may waive such fee.]

400 (3) Not later than thirty days after receiving a complete request under
401 subdivisions (1) and (2) of this subsection, the [commissioner]
402 department shall inform the individual making such request whether,
403 based on the criminal record information submitted, such individual is

404 disqualified from receiving or holding a [license or] certificate or license
405 issued pursuant to this chapter.

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

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

413 (a) Any person who wilfully engages in or practices the work or
414 occupation for which a license is required by this chapter or chapter
415 399b without having first obtained an apprentice permit or a certificate
416 and license for such work, as applicable, or who wilfully employs or
417 supplies for employment a person who does not have a certificate and
418 license for such work, or who wilfully and falsely pretends to qualify to
419 engage in or practice such work or occupation, including, but not
420 limited to, offering to perform such work in any print, electronic,
421 television or radio advertising or listing when such person does not hold
422 a license for such work as required by this chapter, or who wilfully
423 engages in or practices any of the work or occupations for which a
424 license is required by this chapter after the expiration of such person's
425 license, shall be guilty of a class B misdemeanor, except that no criminal
426 charges shall be instituted against such person pursuant to this
427 subsection unless the work activity in question is reviewed by the
428 Commissioner of Consumer Protection, or the commissioner's
429 authorized agent, and the commissioner or such agent specifically
430 determines, in writing, that such work activity requires a license and is
431 not the subject of a bona fide dispute between persons engaged in any
432 trade or craft, whether licensed or unlicensed. Notwithstanding the
433 provisions of subsection (d) or (e) of section 53a-29 and subsection (d)
434 of section 54-56e, if the court determines that such person cannot fully
435 repay any victims of such person within the period of probation
436 established in subsection (d) or (e) of section 53a-29 or subsection (d) of

437 section 54-56e, the court may impose probation for a period of not more
438 than five years. The penalty provided in this subsection shall be in
439 addition to any other penalties and remedies available under this
440 chapter or chapter 416.

441 (b) The Commissioner of Consumer Protection may order any person
442 who is not registered as an apprenticeship sponsor with the Labor
443 Department and who advertises, offers, engages in or practices the work
444 of a program of apprenticeship training for the purpose of providing the
445 experience necessary to obtain a journeyperson's license under this
446 chapter without first registering such program with the Labor
447 Department pursuant to sections 31-22m to 31-22v, inclusive, to
448 immediately cease and desist such advertising, offer, engagement or
449 practice until such person and program are properly registered with the
450 Labor Department pursuant to sections 31-22m to 31-22v, inclusive. The
451 Commissioner of Consumer Protection may, after a hearing held in
452 accordance with chapter 54, impose a fine in an amount not to exceed
453 five thousand dollars for each violation of this subsection.

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

466 [(b)] (d) The appropriate examining board or the Commissioner of
467 Consumer Protection may, after notice and a hearing conducted in
468 accordance with chapter 54, impose a civil penalty for each violation on
469 any person who (1) engages in or practices the work or occupation for

470 which a license or apprentice registration certificate is required by this
471 chapter, chapter 394, chapter 399b or chapter 482 without having first
472 obtained such a license or certificate, or (2) wilfully employs or supplies
473 for employment a person who does not have such a license or certificate
474 or who wilfully and falsely pretends to qualify to engage in or practice
475 such work or occupation, or (3) engages in or practices any of the work
476 or occupations for which a license or certificate is required by this
477 chapter, chapter 394, chapter 399b or chapter 482 after the expiration of
478 the license or certificate, or (4) violates any of the provisions of this
479 chapter, chapter 394, chapter 399b or chapter 482 or the regulations
480 adopted pursuant thereto. Such penalty shall be in an amount not [more
481 than one thousand dollars for a first violation of this subsection, not
482 more than one thousand five hundred dollars for a second violation of
483 this subsection and not more than] to exceed three thousand dollars for
484 each violation of this subsection, [occurring less than three years after a
485 second or subsequent violation of this subsection,] except that any
486 individual employed as an apprentice but improperly registered shall
487 not be penalized for a first offense.

488 [(c)] (e) If an examining board or the Commissioner of Consumer
489 Protection imposes a civil penalty under the provisions of subsection
490 [(b)] (d) of this section as a result of a violation initially reported by [,] a
491 municipal building official in accordance with subsection (c) of section
492 29-261, the commissioner shall, not less than sixty days after collecting
493 such civil penalty, remit one-half of the amount collected to such
494 municipality.

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

498 [(e)] (g) This section shall not apply to any person who (1) holds a
499 license issued under this chapter, chapter 394, chapter 399b or chapter
500 482 and performs work that is incidentally, directly and immediately
501 appropriate to the performance of such person's trade where such work
502 commences at an outlet, receptacle or connection previously installed

503 by a person holding the proper license, or (2) engages in work that does
504 not require a license under this chapter, chapter 394, chapter 399b or
505 chapter 482.

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

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

520 (2) An individual making [such] a request under subdivision (1) of
521 this subsection shall [include (A)] make such request on a form, and in
522 a manner, prescribed by the Commissioner of Consumer Protection,
523 which form shall require the individual to (A) submit to state and
524 national criminal history records checks conducted in accordance with
525 section 29-17a, and (B) provide details of the individual's criminal
526 conviction. [, and (B)] Such individual shall make any payment required
527 by the [commissioner. The commissioner] department to cover the cost
528 of conducting such criminal history records checks concerning such
529 individual, and the department may charge [a] an administrative
530 processing fee of not more than fifteen dollars for each request made
531 under this subsection. [The commissioner may waive such fee.]

532 (3) Not later than thirty days after receiving a complete request under
533 subdivisions (1) and (2) of this subsection, the [commissioner]
534 department shall inform the individual making such request whether,
535 based on the criminal record information submitted, such individual is

536 disqualified from receiving or holding a registration issued pursuant to
537 this section.

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

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

545 (a) No person shall engage in the business of new home construction
546 or hold [himself or herself] such person out as a new home construction
547 contractor unless such person has been issued a certificate of registration
548 by the commissioner in accordance with the provisions of sections 20-
549 417a to [20-417j] 20-417k, inclusive. No new home construction
550 contractor shall be relieved of responsibility for the conduct and acts of
551 [its] such new home construction contractor's agents, employees or
552 officers by reason of such new home construction contractor's
553 compliance with the provisions of sections 20-417a to [20-417j] 20-417k,
554 inclusive.

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

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

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

577 (d) [All] (1) Except as provided in subdivision (2) or (3) of this
578 subsection, all certificates issued under the provisions of sections 20-
579 417a to [20-417j] 20-417k, inclusive, shall expire annually [. The] on the
580 thirty-first day of March, and the fee charged for renewal of such a
581 certificate shall be the same as the fee charged for [an] the original
582 application [, except that no] for such certificate.

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

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

599 [(e) All certificates issued under the provisions of this chapter shall
600 expire annually on the thirty-first day of March. The fee for renewal of

601 a certificate shall be the same as charged for the original application.]

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

605 [(g)] (f) The holder of a certificate of registration issued by the
606 commissioner in accordance with the provisions of sections 20-417a to
607 [20-417j] 20-417k, inclusive, may opt to engage in home improvement,
608 as defined in section 20-419, as amended by this act. If a new home
609 construction contractor does opt to engage in such home improvement,
610 such new home construction contractor shall first notify the
611 commissioner in writing and shall pay to the Department of Consumer
612 Protection any fee due to the Home Improvement Guaranty Fund
613 pursuant to section 20-432, as amended by this act.

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

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

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

619 [(1)] (2) "Certificate" means a certificate of registration issued under
620 section 20-422.

621 [(2)] (3) "Commissioner" means (A) the Commissioner of Consumer
622 Protection, [or] and (B) any person designated by the commissioner to
623 administer and enforce this chapter.

624 [(3)] (4) (A) "Contractor" means any person who (i) owns and operates
625 a home improvement business, or [who] (ii) undertakes, offers to
626 undertake or agrees to perform any home improvement.

627 (B) "Contractor" does not include a person for whom the total price
628 of all of [his] such person's home improvement contracts with all of [his]
629 such person's customers does not exceed one thousand dollars during

630 any period of twelve consecutive months.

631 [(4)] (5) (A) "Home improvement" includes, but is not limited to, the
632 repair, replacement, remodeling, alteration, conversion, modernization,
633 improvement, rehabilitation or sandblasting of, or addition to, any land
634 or building or that portion thereof which is used or designed to be used
635 as a private residence, dwelling place or residential rental property, or
636 the construction, replacement, installation or improvement of alarm
637 systems not requiring electrical work, as defined in section 20-330,
638 driveways, swimming pools, porches, garages, roofs, siding, insulation,
639 sunrooms, flooring, patios, landscaping, fences, doors and windows,
640 waterproofing, water, fire or storm restoration or mold remediation in
641 connection with such land or building or that portion thereof which is
642 used or designed to be used as a private residence, dwelling place or
643 residential rental property or the removal or replacement of a residential
644 underground heating oil storage tank system, in which the total price
645 for all work agreed upon between the contractor and owner or proposed
646 or offered by the contractor exceeds two hundred dollars.

647 (B) "Home improvement" does not include [:(A) The] (i) the
648 construction of a new home, [;(B)] (ii) the sale of goods or materials by
649 a seller who neither arranges to perform nor performs, directly or
650 indirectly, any work or labor in connection with the installation or
651 application of the goods or materials, [;(C)] (iii) the sale of goods or
652 services furnished for commercial or business use or for resale, provided
653 commercial or business use does not include use as residential rental
654 property, [;(D)] (iv) the sale of appliances, such as stoves, refrigerators,
655 freezers, room air conditioners and others, which are designed for and
656 are easily removable from the premises without material alteration
657 thereof, [;(E)] (v) tree or shrub cutting or the grinding of tree stumps, [;]
658 and [(F)] (vi) any work performed without compensation by the owner
659 on [his] such owner's own private residence or residential rental
660 property.

661 [(5)] (6) "Home improvement contract" means an agreement between
662 a contractor and an owner for the performance of a home improvement.

663 [(6)] (7) "Owner" means a person who owns or resides in a private
664 residence and includes any agent thereof, including, but not limited to,
665 a condominium association. An owner of a private residence shall not
666 be required to reside in such residence to be deemed an owner under
667 this subdivision.

668 [(7)] (8) "Person" means an individual [, partnership, limited liability
669 company or corporation] or a business entity.

670 [(8)] (9) "Private residence" means a single family dwelling, a
671 multifamily dwelling consisting of not more than six units, or a unit,
672 common element or limited common element in a condominium, as
673 defined in section 47-68a, or in a common interest community, as
674 defined in section 47-202, or any number of condominium units for
675 which a condominium association acts as an agent for such unit owners.

676 [(9)] (10) "Salesman" means any individual who (A) negotiates or
677 offers to negotiate a home improvement contract with an owner, or (B)
678 solicits or otherwise endeavors to procure by any means whatsoever,
679 directly or indirectly, a home improvement contract from an owner on
680 behalf of a contractor.

681 [(10)] (11) "Residential rental property" means a single family
682 dwelling, a multifamily dwelling consisting of not more than six units,
683 or a unit, common element or limited common element in a
684 condominium, as defined in section 47-68a, or in a common interest
685 community, as defined in section 47-202, which is not owner-occupied.

686 [(11)] (12) "Residential underground heating oil storage tank system"
687 means an underground storage tank system used with or without
688 ancillary components in connection with real property composed of
689 four or less residential units.

690 [(12)] (13) "Underground storage tank system" means an
691 underground tank or combination of tanks, with any underground
692 pipes or ancillary equipment or containment systems connected to such
693 tank or tanks, used to contain an accumulation of petroleum, which

694 volume is ten per cent or more beneath the surface of the ground.

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

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

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

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

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

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

745 (f) Certificates of registration for salespersons issued to retail
746 establishments shall not be transferable or assignable, except a retail
747 establishment that is a holder of a salesperson certificate may remove an
748 existing or former employee currently listed on the certification of
749 registration and replace such person with a new or existing employee
750 employed as a salesperson. If the retail establishment adds or removes
751 salespeople, there shall be no refund or supplemental payment. The fee
752 shall be based on the number of salespeople at the time of each renewal.

753 (g) A contractor or salesperson shall update, through the
754 department's online licensing system, any application information the
755 contractor or salesperson has provided to the department pursuant to
756 this section, including, but not limited to, any contact information,
757 insurance information or criminal history for such contractor or
758 salesperson, or, if such contractor is a business entity, criminal histories

759 of the individual owners of such business entity, not later than thirty
760 days after any change in such information.

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

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

772 (b) A [qualifying corporation] business entity desiring a certificate of
773 registration shall apply to the commissioner, online, on a form provided
774 by the commissioner. The application shall (1) state the name and
775 address of such [corporation] business entity, the city or town and the
776 street and number where such [corporation] business entity is to
777 maintain its principal place of business in this state and the names and
778 addresses of [officers; and] its individual owners, (2) contain a
779 [statement that] list of one or more individuals who shall direct,
780 supervise or perform home improvements for such [corporation are
781 registered home improvement contractors] business entity, (3) require
782 each individual owner of such business entity to disclose whether such
783 individual owner has been found guilty or convicted as a result of an act
784 which (A) constitutes a felony under the laws of this state or federal law,
785 or (B) was committed in another jurisdiction but, if committed in this
786 state, would constitute a felony under the laws of this state, and (4) such
787 other information as the commissioner may require.

788 (c) Any certificate issued by the commissioner pursuant to this
789 section may be revoked, suspended, or have conditions placed upon the
790 holder of the certificate by the commissioner after notice and a hearing
791 in accordance with the provisions of chapter 54 concerning contested

792 cases, if it is shown that the holder of such certificate has not conformed
793 to the requirements of this chapter, that the certificate was obtained
794 through fraud or misrepresentation or that [the contractor of record
795 employed by or acting on behalf of such corporation has had his
796 certificate of registration suspended or revoked by the commissioner]
797 any individual owner of such home improvement contractor, if such
798 registrant is a business entity, has been convicted of a crime that would
799 preclude such registrant from holding such registration in accordance
800 with section 46a-80. The commissioner may refuse to issue or renew a
801 certificate if any facts exist which would entitle the commissioner to
802 suspend or revoke an existing certificate.

803 (d) Each such [corporation] business entity shall file with the
804 commissioner, upon application or renewal thereof, a designation of an
805 individual or individuals registered to perform home improvements in
806 this state who shall direct or supervise the performance of home
807 improvements by such [corporation] business entity in this state. [Such
808 corporation shall notify the commissioner of any change in such
809 designation within thirty days after such change becomes effective.]

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

817 (f) Each such business entity shall maintain a list of all of such
818 business entity's employees and contractors, and all employment
819 documents associated with such employees and contractors, in an
820 auditable format for at least four taxable years. Such business entity
821 shall, upon request by the commissioner or the commissioner's
822 authorized representative, (1) immediately make such list and
823 documents available to the commissioner or the commissioner's
824 authorized representative for the purpose of inspecting and copying

825 such list and documents, and (2) produce copies of such list and
826 documents to the commissioner or the commissioner's authorized
827 representative not later than two business days after the commissioner
828 or the commissioner's authorized representative requests such copies.
829 Such business entity shall make such list, documents and copies
830 available to the commissioner or the commissioner's authorized
831 representative in an electronic format unless it is not commercially
832 practical for such business entity to make such list, documents and
833 copies available to the commissioner or the commissioner's authorized
834 representative in an electronic format.

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

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

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

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

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

866 Sec. 14. Subsection (a) of section 20-426 of the general statutes is
867 repealed and the following is substituted in lieu thereof (*Effective from*
868 *passage*):

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

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

889 (d) The commissioner may, after notice and a hearing in accordance

890 with the provisions of chapter 54, impose a civil penalty on any person
891 who engages in or practices the work or occupation for which a
892 certificate of registration is required by this chapter without having first
893 obtained such a certificate of registration or who wilfully employs or
894 supplies for employment a person who does not have such a certificate
895 of registration or who wilfully and falsely pretends to qualify to engage
896 in or practice such work or occupation, or who engages in or practices
897 any of the work or occupations for which a certificate of registration is
898 required by this chapter after the expiration of such person's certificate
899 of registration or who violates any of the provisions of this chapter or
900 the regulations adopted pursuant thereto. Such penalty shall be in an
901 amount not more than [five hundred dollars for a first violation of this
902 subsection, not more than seven hundred fifty dollars for a second
903 violation of this subsection occurring not more than three years after a
904 prior violation, not more than] one thousand five hundred dollars [for a
905 third or subsequent violation of this subsection occurring not more than
906 three years after a prior violation and, in the case of radon mitigation
907 work, such penalty shall be not less than two hundred fifty dollars] per
908 violation. Any civil penalty collected pursuant to this subsection shall
909 be deposited in the consumer protection enforcement account
910 established in section 21a-8a.

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

914 (b) Each salesman who receives a certificate pursuant to this chapter
915 shall pay a fee of forty dollars annually. Each contractor (1) who receives
916 a certificate pursuant to this chapter, or (2) receives a certificate pursuant
917 to chapter 399a and has opted to engage in home improvement pursuant
918 to subsection [(g)] (f) of section 20-417b, as amended by this act, shall
919 pay a fee of one hundred dollars annually to the guaranty fund. Such
920 fee shall be payable with the fee for an application for a certificate or
921 renewal thereof. The annual fee for a contractor who receives a
922 certificate of registration as a home improvement contractor acting
923 solely as the contractor of record for a corporation shall be waived,

924 provided the contractor of record shall use such registration for the sole
925 purpose of directing, supervising or performing home improvements
926 for such corporation.

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

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

936 (2) An individual making [such] a request under subdivision (1) of
937 this subsection shall [include (A)] make such request on a form, and in
938 a manner, prescribed by the Commissioner of Consumer Protection,
939 which form shall require the individual to (A) submit to state and
940 national criminal history records checks conducted in accordance with
941 section 29-17a, and (B) provide details of the individual's criminal
942 conviction. [, and (B)] Such individual shall make any payment required
943 by the [commissioner. The commissioner] department to cover the cost
944 of conducting such criminal history records checks concerning such
945 individual, and the department may charge [a] an administrative
946 processing fee of not more than fifteen dollars for each request made
947 under this subsection. [The commissioner may waive such fee.]

948 [(2)] (3) Not later than thirty days after receiving a complete request
949 under subdivisions (1) and (2) of this subsection, the [commissioner]
950 department shall inform the individual making such request whether,
951 based on the criminal record information submitted, such individual is
952 disqualified from receiving or holding a [license or] certificate or license
953 issued pursuant to this section.

954 [(3)] (4) The [commissioner] department is not bound by a
955 determination made under this section [,] if, upon further investigation,

956 the [commissioner] department determines that the individual's
957 criminal conviction differs from the information presented in [the] such
958 individual's determination request made under this subsection.

959 Sec. 18. Section 20-677 of the general statutes is repealed and the
960 following is substituted in lieu thereof (*Effective from passage*):

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

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

978 (c) In addition to any other remedy provided for in sections 20-670 to
979 20-676, inclusive, any person who violates any provision of subsection
980 (b) of this section shall be fined not more than one thousand dollars or
981 imprisoned not more than six months, or both.

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

988 672, unless:

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

995 (2) The proposed new owner (A) owns less than five per cent of the
996 shares or other equity interests in any private homemaker-companion
997 agency, and (B) will not engage in the day-to-day operations, or direct
998 the management and policies, of the registered homemaker-companion
999 agency that is the subject of the proposed sale or change in ownership;
1000 or

1001 (3) The commissioner waives the requirement that a new application
1002 be filed under section 20-672.

1003 (e) All certificates issued under the provisions of sections 20-670 to
1004 20-680, inclusive, shall expire annually. The fee for renewal of a
1005 certificate shall be the same as the fee charged for an original application
1006 pursuant to section 20-672. Fees collected pursuant to the issuance of a
1007 certificate or renewal of a certificate shall be deposited in the General
1008 Fund.

1009 (f) Failure to receive a notice of expiration of registration or a renewal
1010 application shall not exempt a homemaker-companion agency from the
1011 obligation to renew.

1012 (g) Not later than ten days before a homemaker-companion agency
1013 ceases providing all homemaker services and companion services in this
1014 state, the homemaker-companion agency shall send a written notice to
1015 the Department of Consumer Protection disclosing the impending
1016 cessation and contact information that the department may use to
1017 contact such homemaker-companion agency to obtain additional
1018 information.

1019 (h) Not later than ten days before a homemaker-companion agency
1020 unilaterally ceases providing homemaker services or companion
1021 services to a person in this state, the homemaker-companion agency
1022 shall send a written notice to the person disclosing (1) the impending
1023 cessation, (2) how such person may transition to alternative care, (3)
1024 how such person shall be reimbursed for any prepaid homemaker
1025 services or companion services, and (4) contact information that such
1026 person may use to contact such homemaker-companion agency to
1027 obtain additional information.

1028 Sec. 19. Section 20-679 of the general statutes is repealed and the
1029 following is substituted in lieu thereof (*Effective from passage*):

1030 (a) A homemaker-companion agency shall disclose, in writing, to a
1031 person who is scheduled to receive homemaker services or companion
1032 services, or such person's authorized representative, the full legal name
1033 of the employee who will provide such services. The homemaker-
1034 companion agency shall make such disclosure to such person, or such
1035 person's authorized representative, before such employee enters such
1036 person's home.

1037 [(a)] (b) Not later than seven calendar days after the date on which a
1038 homemaker-companion agency commences providing homemaker
1039 services or companion services, such agency shall provide the person
1040 who receives [the] such services, or the authorized representative of
1041 such person, with a written contract or service plan that prescribes the
1042 anticipated scope, type, frequency, duration and cost of [the] such
1043 services. [provided by the agency.] In addition, any contract or service
1044 plan provided by a homemaker-companion agency to a person
1045 receiving homemaker services or companion services shall also provide
1046 conspicuous notice, in boldface type, disclosing (1) [of] the person's
1047 right to request changes to, or review of, the contract or service plan, (2)
1048 [of] that such agency shall provide at least sixty days' advance written
1049 notice to such person or such person's authorized representative
1050 disclosing any change in the rate charged for such services, (3) the
1051 employees of such agency who, pursuant to section 20-678 are required

1052 to submit to a comprehensive background check, [(3)] (4) that upon the
1053 request of such person or an authorized representative of such person,
1054 such agency shall provide such person or representative of such person
1055 with written notice that a comprehensive background check, as required
1056 pursuant to section 20-678, was performed for all employees of such
1057 agency performing homemaker services or companion services for such
1058 person, [(4)] (5) that such agency's records are available for inspection
1059 or audit by the Department of Consumer Protection, [(5)] (6) that the
1060 agency is not able to guarantee the extent to which its homemaker
1061 services or companion services will be covered under any insurance
1062 plan, and [(6)] (7) that such contract or service plan may be cancelled at
1063 any time by the client if such contract or service plan does not contain a
1064 specific period of duration. No contract or service plan for the provision
1065 of homemaker or companion services shall be valid against the person
1066 who receives the services or the authorized representative of such
1067 person, unless the contract or service plan has been signed by a duly
1068 authorized representative of the homemaker-companion agency and
1069 the person who receives the services or the authorized representative of
1070 such person. No change in the rate charged for homemaker services or
1071 companion services shall be valid against a person who is receiving such
1072 services unless the homemaker-companion agency providing such
1073 services provides at least sixty days' advance written notice to such
1074 person, or such person's authorized representative, disclosing such rate
1075 change. The requirements of this section shall not apply to homemaker
1076 services or companion services provided under the Connecticut home-
1077 care program for the elderly administered by the Department of Social
1078 Services in accordance with section 17b-342. A written contract or
1079 service plan between a homemaker-companion agency and a person
1080 receiving services or the authorized representative of such person shall
1081 not be enforceable against such person receiving services or authorized
1082 representative unless such written contract or service plan contains all
1083 of the requirements of this section.

1084 [(b)] (c) Nothing in this section shall preclude a homemaker-
1085 companion agency that has complied with subdivisions (1) to [(6)] (7),
1086 inclusive, of subsection [(a)] (b) of this section from the recovery of

1087 payment for work performed based on the reasonable value of
1088 homemaker services or companion services which were requested by
1089 the person receiving such services, provided the court determines that
1090 it would be inequitable to deny such recovery.

1091 Sec. 20. Subsections (c) to (f), inclusive, of section 21a-4 of the general
1092 statutes are repealed and the following is substituted in lieu thereof
1093 (*Effective from passage*):

1094 (c) The Commissioner of Consumer Protection may impose a [fine]
1095 late fee on any applicant who fails to renew a license, permit, certificate
1096 or registration [not later than] on or before the expiration date of such
1097 license, permit, certificate or registration. The amount of the [fine] late
1098 fee shall be equal to ten per cent of the renewal fee but shall not be less
1099 than ten dollars or more than one hundred dollars.

1100 (d) [Notwithstanding any other provision of the general statutes,
1101 each applicant whose license has lapsed for a period longer than the
1102 length of time allowing automatic reinstatement may apply for
1103 reinstatement to the appropriate board. Upon receipt of such
1104 application and payment of the fee, the department may, at its
1105 discretion, reinstate a lapsed license without examination, provided
1106 such application for reinstatement is accompanied by a notarized letter
1107 and supporting documentation attesting to the applicant's related work
1108 experience in their occupation or profession from the time he or she had
1109 let such license lapse. Such applicant, upon approval by the department,
1110 shall pay all back license and late fees in order for such license to be
1111 reinstated.] If the Department of Consumer Protection does not receive
1112 a completed license, permit, certificate or registration renewal
1113 application from an applicant on or before the expiration date of such
1114 license, permit, certificate or registration but the applicant submits a
1115 completed renewal application to the department not later than ninety
1116 days after such expiration date, the applicant shall pay any late fee
1117 imposed by the commissioner under subsection (c) of this section but
1118 shall not be required to apply for reinstatement under subsection (e) of
1119 this section.

1120 (e) When a license, permit, [certification] certificate or registration has
1121 lapsed for a period longer than ninety days after its expiration date or
1122 the length of time specified in any other provision of the general statutes
1123 allowing [automatic] for its reinstatement, [or the general statutes are
1124 silent as to the period of time during which reinstatement of the license,
1125 permit, certification or registration is permissible] an applicant may
1126 apply [for reinstatement to the department] to the Department of
1127 Consumer Protection to reinstate such lapsed license, permit, certificate
1128 or registration. Upon receipt of such completed reinstatement
1129 application and payment of the corresponding application fee, the
1130 department may, in the department's discretion and if such application
1131 [was] is made not later than three years after [the] such expiration date
1132 [allowing automatic reinstatement] or specified time, reinstate [the]
1133 such lapsed license, permit, [certification] certificate or registration
1134 without examination. The applicant, prior to reinstatement by the
1135 department, shall [pay all back license and late fees, unless the applicant
1136 attests] attest that [he or she] the applicant has not worked in the
1137 applicable occupation or profession in this state while [the] such license,
1138 permit, [certification] certificate or registration was lapsed, [in which
1139 case the applicant shall] pay the current year's renewal fee for
1140 reinstatement and take any continuing education required for the year
1141 preceding such reinstatement and the year of such reinstatement. If the
1142 applicant worked in the applicable occupation or profession in this state
1143 while such license, permit, certificate or registration was lapsed, the
1144 applicant shall pay all license and late fees due and owing for the period
1145 in which such license, permit, certificate or registration was lapsed and
1146 demonstrate to the department that the applicant has completed all
1147 continuing education required for the year preceding reinstatement. If
1148 [the] a license, permit, [certification] certificate or registration [lapse is
1149 three years or more] has lapsed for longer than three years after the
1150 license, permit, certificate or registration expiration date or the length of
1151 time specified in any other provision of the general statutes allowing for
1152 reinstatement, whichever is longer, the applicant shall apply for a new
1153 license, permit, [certification] certificate or registration under this
1154 subsection. No person who had a license, permit, certificate or

1155 registration that lapsed during the three years immediately preceding
1156 the date of an application made pursuant to this subsection may seek a
1157 new license, permit, certificate or registration of the same type under the
1158 same name.

1159 (f) Unless expressly provided otherwise by law, application fees for a
1160 license, permit, [certification] certificate or registration within the
1161 purview of the Department of Consumer Protection shall be
1162 nonrefundable.

1163 Sec. 21. Subsection (a) of section 21a-11 of the general statutes is
1164 repealed and the following is substituted in lieu thereof (*Effective from*
1165 *passage*):

1166 (a) (1) The Commissioner of Consumer Protection may, subject to the
1167 provisions of chapter 67, employ such agents and assistants as are
1168 necessary to enforce the provisions of the general statutes wherein [said]
1169 the commissioner is empowered to carry out the duties and
1170 responsibilities assigned to [him or his department] the commissioner
1171 or the Department of Consumer Protection. For the purpose of inquiring
1172 into any suspected violation of such provisions, the commissioner [and
1173 his deputy and assistants] or the commissioner's authorized
1174 representative may subpoena witnesses and require the production of
1175 records, papers and documents pertinent to an investigation or inquiry,
1176 and shall have free access, at all reasonable hours, to all places and
1177 premises, homes and apartments of private families keeping no
1178 boarders excepted. The commissioner and [his or her] the
1179 commissioner's deputy or assistants shall have the authority to issue
1180 citations pursuant to section 51-164n for violations for the purpose of
1181 enforcing such provisions. The commissioner may delegate [his or her]
1182 the commissioner's authority to render a final decision in a contested
1183 case to a hearing officer employed by, or contracted with, the
1184 department.

1185 (2) Notwithstanding the provisions of the Freedom of Information
1186 Act, as defined in section 1-200, all records, papers and documents
1187 obtained during an investigation or enforcement action conducted

1188 pursuant to subdivision (1) of this subsection shall be confidential and
1189 not subject to disclosure under said act until such investigation or
1190 enforcement action has been finally adjudicated or otherwise settled or
1191 closed.

1192 Sec. 22. Subsection (a) of section 21a-101 of the general statutes is
1193 repealed and the following is substituted in lieu thereof (*Effective from*
1194 *passage*):

1195 (a) A food shall be deemed to be adulterated:

1196 (1) (A) If it bears or contains any poisonous or deleterious substance
1197 which may render it injurious to health; but, if the substance is not an
1198 added substance, such food shall not be considered adulterated under
1199 this clause if the quantity of such substance in such food would not
1200 ordinarily render it injurious to health; (B) if it bears or contains any
1201 added poisonous or added deleterious substance which is unsafe within
1202 the meaning of section 21a-104; (C) if it consists in whole or in part of
1203 any diseased, contaminated, filthy, putrid or decomposed substance or
1204 if it is otherwise unfit for food; (D) if it has been produced, prepared,
1205 packed or held under insanitary conditions whereby it may have
1206 become contaminated with filth, or whereby it may have been rendered
1207 diseased, unwholesome or injurious to health; (E) if it is in whole or in
1208 part the product of a diseased animal or of an animal which has died
1209 otherwise than by slaughter or which has been fed on the uncooked offal
1210 from a slaughterhouse; or (F) if its container is composed in whole or in
1211 part of any poisonous or deleterious substance which may render the
1212 contents injurious to health;

1213 (2) (A) If any valuable constituent has been in whole or in part
1214 omitted or abstracted therefrom; (B) if any substance has been
1215 substituted wholly or in part therefor; (C) if damage or inferiority has
1216 been concealed in any manner; or (D) if any substance has been added
1217 thereto or mixed or packed therewith so as to increase its bulk or weight,
1218 or reduce its quality or strength, or make it appear better or of greater
1219 value than it is;

1220 (3) If it bears or contains a color additive which is unsafe within the
1221 meaning of section 21a-104;

1222 (4) If it is confectionery and it bears or contains any alcohol or
1223 nonnutritive article or substance except harmless coloring, harmless
1224 flavoring, harmless resinous glaze not in excess of four-tenths of one per
1225 cent, harmless natural gum or pectin; provided this subdivision shall
1226 not apply to any confectionery by reason of its containing less than one-
1227 half of one per cent by volume of alcohol derived solely from the use of
1228 flavoring extracts, or to any chewing gum by reason of its containing
1229 harmless nonnutritive masticatory substances, or any alcohol-infused
1230 confection subject to regulations adopted under subsection (b) of this
1231 section; and

1232 (5) If such food is to be offered for sale at retail as a food product and
1233 a retail or wholesale establishment has added to such food any sulfiting
1234 agent, including sulfur dioxide, sodium sulfite, sodium bisulfite,
1235 potassium bisulfite, sodium metabisulfite or potassium metabisulfite,
1236 separately or in combination, [to such food] unless such sulfiting agent
1237 is an incidental additive, as defined in section 21a-104a, as amended by
1238 this act.

1239 Sec. 23. Section 21a-104a of the general statutes is repealed and the
1240 following is substituted in lieu thereof (*Effective from passage*):

1241 (a) For the purposes of this section:

1242 (1) "Incidental additive" has the same meaning as provided in 21 CFR
1243 101.100, as amended from time to time;

1244 (2) "Manufacturer" means any person, firm or corporation which (A)
1245 produces or grows food, and (B) packages such food for resale or
1246 distribution;

1247 [(1)] (3) "Person" means any individual, partnership, firm,
1248 association, limited liability company or corporation; and

1249 [(2)] (4) "Sulfiting agent" means any sulfur dioxide, sodium sulfite,

1250 sodium bisulfite, potassium bisulfite, sodium metabisulfite or
1251 potassium metabisulfite. [;]

1252 [(3) "Manufacturer" means any person, firm or corporation which
1253 produces or grows food and which packages such food for resale or
1254 distribution.]

1255 (b) No person who sells, offers for sale or distributes food, other than
1256 a manufacturer of food, shall add any sulfiting agent, other than an
1257 incidental additive, to any food sold, offered for sale or distributed in
1258 this state.

1259 [(c) Any retailer who displays, sells or offers for sale any bulk display
1260 of unpackaged food, including food displayed in any salad bar, which
1261 food contains any sulfiting agent, shall prominently display a sign
1262 which shall read as follows:

1263 THIS PRODUCT CONTAINS A SULFITING AGENT. SULFITES
1264 MAY CAUSE AN ALLERGIC REACTION IN CERTAIN PERSONS,
1265 PARTICULARLY ASTHMATICS.

1266 Each letter on such sign shall be not less than one-half inch in height
1267 and shall be of the same type, style and color, which color shall contrast
1268 clearly with the background of such sign.]

1269 (c) Each sulfiting agent that is added to any food or to any ingredient
1270 in any food shall comply with the requirements established in 21 CFR
1271 101.100(a)(4), as amended from time to time.

1272 (d) [Any] Except as provided in 21 CFR 101.100, as amended from
1273 time to time, with respect to incidental additives, any manufacturer who
1274 adds a sulfiting agent to any food or to any ingredient in any food,
1275 which sulfiting agent is present in the finished food product, shall
1276 include such sulfiting agent as an ingredient of the food in the ingredient
1277 statement of the label attached to such food product. Such ingredient
1278 statement shall indicate the name of the sulfiting agent and the function
1279 of such sulfiting agent.

1280 Sec. 24. Section 21a-231 of the general statutes is repealed and the
1281 following is substituted in lieu thereof (*Effective from passage*):

1282 When used in this section and sections [21a-231] 21a-232 to 21a-236,
1283 inclusive, as amended by this act:

1284 (1) "Bedding" means any mattress, pillow, cushion, quilt, bed pad,
1285 comforter, sleeping bag, upholstered spring bed, box spring, davenport,
1286 bedspring metal couch, metal bed, metal cradle, hammock pillow,
1287 upholstered furniture or other substantially similar article or part
1288 thereof used or intended to be used for sleeping, resting or reclining.

1289 (2) "Commissioner" means the Commissioner of Consumer
1290 Protection or such commissioner's designee.

1291 (3) "Department" means the Department of Consumer Protection.

1292 (4) "Fee", "permit fee" and "license fee" mean the respective fees paid
1293 at the time of application for the issuance or renewal of any permit or
1294 license.

1295 (5) "Filling material" means any natural or synthetic fibers or
1296 filaments, down, feathers or other soft material which may be used in
1297 the manufacture of bedding.

1298 (6) "Importer" means any person who imports bedding from outside
1299 the United States.

1300 (7) "Manufacture", "make", or "made" refer to the assembly,
1301 construction or the importation of bedding or filling material for sale.

1302 (8) "Manufacturer" means any person who makes or prepares for sale
1303 or imports bedding, in whole or in part, that contains filling material.

1304 (9) "New" means any filling material or bedding which has not been
1305 previously used for any purpose.

1306 (10) "Person" means an individual, partnership, corporation, limited
1307 liability company, association, receiver or agent.

- 1308 (11) "Renovate" means addition of new filling material to bedding.
- 1309 (12) "Renovator" means any person who adds new filling material to
1310 bedding for a fee.
- 1311 (13) "Sale", "sell", or "sold" means offering or exposing for sale or
1312 exchange or lease or holding in possession with like intent.
- 1313 (14) "Sanitized" or "method of sanitation" means the direct
1314 application of chemicals to kill pathogenic agents.
- 1315 (15) "Sterilized" or "method of sterilization" refers to the mitigation of
1316 any infective and deleterious substances including germs, fungi and
1317 insects from bedding or filling material by a process approved by the
1318 commissioner.
- 1319 (16) "Secondhand" means any filling material or bedding subject to
1320 prior use.
- 1321 (17) "Secondhand dealer" means any person who sells any
1322 secondhand bedding.
- 1323 [(18) "Supply dealer" means any person who manufactures,
1324 processes, packages, repackages or otherwise prepares for sale, any
1325 filling or material.]
- 1326 [(19)] (18) "Upholstered furniture" means any furniture that contains
1327 filling material and is used or intended to be used for sitting, resting or
1328 reclining.
- 1329 Sec. 25. Subsection (m) of section 21a-232 of the general statutes is
1330 repealed and the following is substituted in lieu thereof (*Effective from*
1331 *passage*):
- 1332 (m) No manufacturer, [supply dealer,] renovator, secondhand dealer
1333 or vendor shall deliver any tag required by this chapter unless it is
1334 affixed to an article of bedding or filling material provided that the
1335 commissioner may permit the delivery of unattached tags.

1336 Sec. 26. Subsections (a) to (d), inclusive, of section 21a-233 of the
1337 general statutes are repealed and the following is substituted in lieu
1338 thereof (*Effective from passage*):

1339 (a) Every article of bedding or filling material offered for sale shall
1340 have attached to it a tag which states: The name, as approved by the
1341 commissioner, of the filling material; whether the filling material is new
1342 or secondhand; the license number of the manufacturer, [supply dealer,
1343 renovator or secondhand dealer; the name and address of the
1344 manufacturer, [supply dealer,] secondhand dealer, renovator or vendor;
1345 when applicable, the words "contents sterilized" and the permit number
1346 of the sterilizer; and the per cent by weight of each filling material.
1347 Secondhand bedding which has not been renovated may also bear on
1348 the tag the statement "as is-- contents unknown". Nothing other than
1349 the disclosures and statements required or permitted by this chapter
1350 shall appear on the tag.

1351 (b) All tags attached to new bedding and filling material shall be
1352 legibly marked with the date of delivery to the consumer.

1353 (c) Renovated bedding shall bear a tag which, in addition to the other
1354 statements required by this chapter, states: "Renovated for" followed by
1355 the name and address of the person for whom the bedding is renovated,
1356 the name and address of the renovator, the date sterilized, that the
1357 bedding contains the same filling material as when it was received, and
1358 the name and per cent by weight of each filling material added during
1359 renovation.

1360 (d) Each container of filling material shall bear a tag which states: The
1361 name, license number and address of the manufacturer [, supply dealer]
1362 or vendor; the name of the filling material and whether the filling
1363 material is new or secondhand; and, if sterilized, the words "contents
1364 sterilized" and the permit number of the sterilizer. New bedding or new
1365 filling material shall not be transported with secondhand bedding or
1366 secondhand filling material that has not been sterilized.

1367 Sec. 27. Subsections (a) to (c), inclusive, of section 21a-234 of the

1368 general statutes are repealed and the following is substituted in lieu
1369 thereof (*Effective from passage*):

1370 (a) No person shall act as a manufacturer, [supply dealer,] importer,
1371 renovator or secondhand dealer without first completing an application
1372 and obtaining a numbered license from the commissioner. The license
1373 shall be conspicuously posted in the establishment of the person to
1374 whom the license is issued. A license shall be valid for one year.

1375 (b) Any method of sterilization or sanitation used in connection with
1376 this chapter shall require the prior approval of the commissioner. Each
1377 person who wishes to sterilize or sanitize bedding or filling material
1378 shall complete an application and obtain a numbered permit from the
1379 commissioner. The permit must be conspicuously posted in the
1380 establishment of the person to whom the permit is issued. Each permit
1381 shall cost twenty-five dollars and shall be valid for one year.

1382 (c) Manufacturers shall pay, prior to the issuance or reissuance of a
1383 license, a fee of one hundred dollars. The licensee may then operate as a
1384 manufacturer, [supply dealer,] renovator or secondhand dealer.
1385 [Supply dealers shall pay, prior to the issuance or reissuance of a license,
1386 a fee of one hundred dollars. The licensee may then operate as a supply
1387 dealer, renovator or secondhand dealer.] Renovators shall pay, prior to
1388 the issuance or reissuance of a license, a fee of fifty dollars. The licensee
1389 may then operate as a renovator and secondhand dealer. Secondhand
1390 dealers shall pay, prior to the issuance or reissuance of a license, a fee of
1391 fifty dollars. The licensee may then operate as a secondhand dealer.
1392 Importers shall pay, prior to the issuance or reissuance of a license, a fee
1393 of one hundred dollars.

1394 Sec. 28. Subsection (e) of section 21a-415 of the general statutes is
1395 repealed and the following is substituted in lieu thereof (*Effective from*
1396 *passage*):

1397 (e) The department may renew a dealer registration issued under this
1398 section that has expired if the applicant pays to the department any
1399 [fine] late fee imposed by the commissioner pursuant to subsection (c)

1400 of section 21a-4, as amended by this act, which [fine] late fee shall be in
 1401 addition to the fees prescribed in this section for the dealer registration
 1402 applied for. The provisions of this subsection shall not apply to any
 1403 dealer registration which is the subject of administrative or court
 1404 proceedings.

1405 Sec. 29. Subsection (d) of section 21a-415a of the general statutes is
 1406 repealed and the following is substituted in lieu thereof (*Effective from*
 1407 *passage*):

1408 (d) The department may renew a manufacturer registration issued
 1409 under this section that has expired for a period of six months or less if
 1410 the applicant pays to the department any [fine] late fee imposed by the
 1411 commissioner pursuant to subsection (c) of section 21a-4, as amended
 1412 by this act, which [fine] late fee shall be in addition to the fees prescribed
 1413 in this section for the certificate of manufacturer registration applied for.
 1414 The provisions of this subsection shall not apply to any manufacturer
 1415 registration which is the subject of administrative or court proceedings.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16a-15(a) to (f)
Sec. 2	<i>from passage</i>	16a-21
Sec. 3	<i>from passage</i>	20-280e(b)
Sec. 4	<i>from passage</i>	20-291(b)
Sec. 5	<i>from passage</i>	20-295b
Sec. 6	<i>from passage</i>	20-334(d)
Sec. 7	<i>from passage</i>	20-341
Sec. 8	<i>from passage</i>	20-341gg(d)
Sec. 9	<i>from passage</i>	20-417b
Sec. 10	<i>from passage</i>	20-419
Sec. 11	<i>from passage</i>	20-420
Sec. 12	<i>from passage</i>	20-420a
Sec. 13	<i>from passage</i>	20-421
Sec. 14	<i>from passage</i>	20-426(a)
Sec. 15	<i>from passage</i>	20-427(d)
Sec. 16	<i>from passage</i>	20-432(b)
Sec. 17	<i>from passage</i>	20-540(m)

Sec. 18	<i>from passage</i>	20-677
Sec. 19	<i>from passage</i>	20-679
Sec. 20	<i>from passage</i>	21a-4(c) to (f)
Sec. 21	<i>from passage</i>	21a-11(a)
Sec. 22	<i>from passage</i>	21a-101(a)
Sec. 23	<i>from passage</i>	21a-104a
Sec. 24	<i>from passage</i>	21a-231
Sec. 25	<i>from passage</i>	21a-232(m)
Sec. 26	<i>from passage</i>	21a-233(a) to (d)
Sec. 27	<i>from passage</i>	21a-234(a) to (c)
Sec. 28	<i>from passage</i>	21a-415(e)
Sec. 29	<i>from passage</i>	21a-415a(d)

Statement of Legislative Commissioners:

In Section 1(a), "[shall not be] not" was changed to "shall not [be]" for clarity; in Section 5(b), "necessary" was added after "chapter" for clarity; in Section 7(b), "who" was added before "advertises" for clarity; in Section 7(c), "who" was added before "employs" and references to "person" were changed to "individual" for clarity; in Section 11(g), "individual" was added before "owners" for consistency; in Sections 12(c) and 15(d), "a" was added before "hearing" for consistency; in Section 14(a)(3), "as amended by this act" was deleted for consistency with standard drafting conventions; in Section 14(a)(5), "the owners" was changed to "an individual owner" for clarity and consistency; in Section 18(d), "individual" was added before "owner" and "individuals who own" was changed to "individual owners of" for consistency; Section 18(h) was divided into subdivisions and "how such person" was added before "shall be reimbursed" for clarity; and in Section 19(a), "authorized" was added before "representative" for consistency.

GL *Joint Favorable Subst.*

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

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Various	Various - Revenue Impact	See Below	See Below

Note: Various=Various

Municipal Impact: None

Explanation

The bill makes various changes to consumer protection statutes resulting in the revenue impact described below.

Section 2 requires heating fuel dealers to remove disconnected tanks or equipment from consumers premises within 30 days and establishes a fine of up to \$250 for violations resulting in a potential revenue gain to the state to the extent violations occur.

Section 2 also reduces certain penalties dealing with written contracts between heating fuel dealers and consumers from maximums of \$500 and \$1,500 to \$250 resulting in a potential revenue loss to the extent these violations occur and fines over \$250 would have been levied.

Sections 3, 4, 6, 8, 17 and 18 require certain individuals to submit to and cover associated costs for a state criminal history records check resulting in a potential revenue gain to the General Fund and the Applicant Fingerprint Card Submission Account. DESPP conducts state background checks for \$75 per person and to the extent additional background checks are requested, there is a potential revenue gain to the state. State background checks require fingerprinting, which DESPP

conducts for \$15 per person resulting in a potential revenue gain to the Applicant Fingerprint Card Submission Account.¹

Section 7 increases the civil penalty for a trade licensing violation to \$3,000 resulting in a potential revenue gain to the extent violations occur. This section also creates a new fine of up to \$5,000 for apprentice hiring violations resulting in a potential revenue gain to the state to the extent violations occur.

Section 9 prorates the fee for new home construction contractors during the transition year² resulting in a potential revenue loss to the extent higher license fees would have been paid. This section also prorates the fee to the New Home Construction Guaranty Fund³ and the Home Improvement Guaranty Fund⁴ resulting in a potential revenue loss during the transition year to the extent higher fees would have been paid.

Section 15 makes all fines \$1,500 instead of a tiered structure starting at \$500, resulting in a potential revenue gain to the consumer protection enforcement account⁵ to the extent violations occur.

Section 20 requires late renewals for (within 90 days of expiration) DCP credentials to pay late fees of 10 percent and applies the existing fee structure to reinstatements resulting in a potential revenue gain to the state to the extent late renewals and reinstatements occur.

The bill also makes various minor, technical, and conforming changes

¹ Funds in the non-lapsing Applicant Fingerprint Card Submission Account are used for IT support and maintenance for the fingerprinting systems.

² New home construction contractor registrations are transitioning from biennial to annual fees in 2023, this eliminates the potential for overcharging certain contractors.

³ The New Home Construction Guaranty Fund is non-appropriated and makes restitution payments to CT consumers for damages caused by licensed New Home construction contractors

⁴ The Home Improvement Guaranty Fund is non-appropriated and makes restitution payments to CT consumers for damages caused by licensed Home Improvement contractors or salespersons.

⁵ The Consumer Protection Enforcement Account is a non-appropriated account that funds positions dedicated to the enhanced enforcement of DCP licensing laws and regulations.

to consumer protection statutes resulting in no fiscal impact to the state.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of licenses applied for, violations, and inflation.

OLR Bill Analysis**sHB 6767****AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING LICENSING AND ENFORCEMENT.**

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Aligns the state's Uniform Food, Drug and Cosmetic Act with federal requirements on sulfiting agents in foods

§§ 24-27 — BEDDING SUPPLY DEALER CREDENTIAL

Eliminates an obsolete license for bedding supply dealers

BACKGROUND

SUMMARY

This bill makes various changes to the Department of Consumer Protection's (DCP) credentialing and enforcement laws, including:

1. expanding the DCP commissioner's enforcement powers, such as giving the commissioner broad subpoena authority and establishing enforcement powers specifically for apprentice law violations;

2. standardizing the process for renewing lapsed DCP credentials and adding requirements for completing required continuing education;
3. expanding the information that must be submitted to DCP for it to determine whether a criminal history may preclude credentialing;
4. setting a deadline for the removal of leased fuel tanks and lowering the fine for certain heating fuel contract violations; and
5. requiring homemaker-companion agencies to notify clients and DCP before making certain changes to, or terminating, services.

EFFECTIVE DATE: Upon passage

§ 1 — PRICE SIGNAGE FOR SPECIALTY FUELS

Allows specialty fuel prices to be posted per liter or half-gallon, rather than only per gallon

The bill allows sellers of specialty engine fuel (e.g., racing fuel and fuel for agricultural or other off-road applications) to post prices per half-gallon or liter instead of per gallon, as current law requires. This authorization only applies if the fuel is not subject to a quality or usability standard set by the American Society for Testing and Materials or another national consensus quality or usability standard.

§ 2 — LEASED FUEL TANK REMOVAL DEADLINE

Sets a 30-day deadline for heating fuel dealers to remove a residential leased fuel tank after the dealer disconnects it; reduces the maximum fine that DCP may impose on dealers who do not comply with certain requirements for written contracts

The bill requires heating fuel dealers that lease or lend a heating fuel tank and associated equipment to a consumer to remove the tank and equipment from the consumer's residential premises within 30 days after the dealer disconnects the tank and equipment. A dealer who violates this requirement may be subject to a fine of up to \$250, payable through the Centralized Infractions Bureau. A violation is also an unfair trade practice (see BACKGROUND).

The bill also reduces the penalty for violating existing law's

provisions setting forth the basic requirements for written contracts between these dealers and consumers. Currently, dealers who fail to comply with the law's requirements must be fined, and the fine ranges from a maximum of \$500 to \$1,500, depending on the number of other recent violations. The bill instead imposes the possibility of a fine of up to \$250, payable through the Centralized Infractions Bureau. Under existing law and the bill, it is also an unfair trade practice (see BACKGROUND).

Heating fuel dealers are individuals or companies that sell at retail heating fuel (i.e., a petroleum-based fuel used primary for residential heating or domestic hot water) (CGS § 16a-17).

§§ 3-4, 6, 8 & 17 — INQUIRIES ABOUT A CONVICTION AND CREDENTIALING

Expands the information that people with criminal histories must submit to DCP when asking if their conviction disqualifies them from obtaining various occupational credentials

PA 22-88 created a process for people who were convicted of a crime to learn if their conviction would disqualify them from getting various occupational licenses, certificates, and permits. Under current law, someone making this request must submit (1) details on the conviction and (2) any required payment (up to \$15 per request, which is waivable). The bill modifies these procedures for the following DCP-credentialed professions:

1. public accountants (§ 3);
2. architects (§ 4);
3. tradespeople in the following fields: elevator installation, repair, and maintenance; fire protection sprinkler systems; flat glass work; gas hearth; heating, piping, and cooling; irrigation; plumbing and piping; residential stair lift; sheet metal; solar; swimming pool; and electrical (§ 6);
4. major contractors (§ 8); and

5. public service gas technicians (§ 17).

Under the bill, someone making a request to determine if a conviction precludes credentialing must (1) apply on a DCP prescribed form and (2) agree to and pay for a state and national criminal history records check. The bill maintains current law's requirement that the person provide details on the conviction and pay a processing fee of up to \$15, but eliminates the possible fee waiver. The bill also specifies that the department's timeline to respond to requests is triggered by the submission of a complete application.

§ 5 — ARCHITECTS WORKING AS INTERIOR DESIGNERS

Specifies the conditions under which an architect working as an interior designer must comply with continuing education requirements

The bill specifies that licensed architects who complete the required continuing education (CE) requirements for architects do not need to complete those for interior design work unless they hold an interior designer certificate of registration. By law, architects are allowed to use the title "interior designer" without obtaining the credential (CGS § 20-377l).

The bill also specifies that if a licensed architect is also a registered interior designer, then he or she must comply with the CE requirements for interior designers.

§ 7 — TRADE LICENSING LAW VIOLATIONS

Increases civil penalties for violations of various licensing laws, including those on apprentice hiring; gives the DCP commissioner new enforcement options for violations of apprentice hiring laws

Civil Penalties for Violations of Trade Licensing Laws

After notice and a hearing, existing law allows trade examining boards and the DCP commissioner to impose civil penalties for:

1. engaging in work without the appropriate trade license or apprentice registration certificate, or with an expired one;
2. willfully employing or supplying for employment an unlicensed or unregistered person;

3. willfully and falsely pretending to qualify for work that requires a trade credential that one does not have; or
4. violating other provisions of the trade licensing laws or regulations.

Under current law, a first violation subjects the violator to a penalty of up to \$1,000; a second violation to a penalty of up to \$1,500; and a third or subsequent violation occurring less than three years after a previous violation to a \$3,000 penalty. The bill instead sets the maximum penalty for a violation at \$3,000, regardless of if it is a first or subsequent one. Unchanged by the bill, an improperly registered apprentice is not penalized for a first offense.

Apprentice Hiring Law Violations

By law, apprentices in certain trades and their employers must participate in the state Department of Labor's (DOL) occupational apprenticeship program (see BACKGROUND). The bill gives the DCP commissioner new enforcement options for situations in which employers (1) offer apprenticeships without registering with the DOL's apprenticeship program or (2) do not verify that an apprentice is registered with DOL. Specifically, the bill allows the commissioner to:

1. issue a cease and desist order to a person who advertises, offers, engages in, or practices the work of an apprenticeship training program, for the purpose of providing the experience necessary to obtain a journeyperson's license, without first registering the employer and program with DOL;
2. issue a cease and desist order to a registered employer who employs a person as an apprentice without first verifying that he or she is registered as an apprentice with DOL; and
3. for either of the above violations, after a hearing, impose a fine of up to \$5,000 per violation.

Under existing law, it is a:

1. Connecticut Unfair Trade Practices Act (CUTPA) violation to fail to comply with trade licensing laws, including those on apprentice hiring (see BACKGROUND) and
2. class B misdemeanor to willfully engage in work that requires an apprentice registration certificate without one (punishable by up to six months imprisonment, a \$1,000 fine, or both).

The bill also modifies how civil penalties for violations of the licensing statutes, including the apprentice hiring laws, are applied (see above).

§ 9 — NEW HOME CONSTRUCTION CONTRACTORS

Establishes that registrations renewed during the transition year from biennial to annual credentialing will be effective for 18 months and cost \$180

Under existing law, certain new home construction contractor registrations are valid for two years and will expire on September 30, 2023. After that, under the provisions of a 2021 law, new home construction contractor registrations expire on March 31 annually.

The bill establishes that registrations renewed during the transition year will be effective for 18 months and cost \$180 (for one-year registrations, the fee is \$120). Additionally, registrants for the transitional 18-month license must make a prorated contribution of \$360 to the New Home Construction Guaranty Fund (for one-year registrations, the fee is \$240). Lastly, the bill specifies that new home construction contractors that also do the work of a home improvement contractor must make a prorated contribution of \$150 to the Home Improvement Guaranty Fund (for one-year registrations, the fee is \$100).

§§ 10-16 — HOME IMPROVEMENT CONTRACTORS AND SALESPERSONS

Modifies requirements for getting and maintaining a contractor or salesperson registration; increases civil penalties for violating related laws

Home Improvement Businesses (§ 12)

The bill specifies a home improvement contractor that is not an

individual can be structured as any business entity; it does not have to be structured as a corporation. It makes related changes to specify that a home improvement contractor that is a legal entity must give DCP a list of its individual owners.

The bill requires a home improvement contractor, structured as a legal entity, to maintain a list of its employees and contractors, and all employment documents associated with them, in an auditable format for at least four taxable years. These businesses must, upon the commissioner's or his or her representative's request, (1) immediately make the list and documents available for inspection and copying and (2) produce copies of the list and documents within two business days, if requested. The documents and copies must be provided in electronic format unless it is not commercially practical.

Registration Information Provided to DCP (§§ 11 & 13)

The bill requires home improvement contractors to provide (1) an email address when applying to DCP for a registration and (2) certain conviction history disclosures, as described below.

The bill also requires a registered home improvement contractor or salesperson to update, through DCP's online licensing system and within 30 days of a change, any application information given as part of a registration (e.g., contact or insurance information, or criminal history). If the contractor is a business entity, the bill specifies that this applies to the criminal histories of the business's owners.

Disclosing Criminal Convictions (§§ 12-14)

The bill requires home improvement contractors, when applying to DCP for a registration, to disclose whether they (or an owner in the case of a business entity) was found guilty or convicted of an act that (1) is a felony under Connecticut or federal law or (2) was committed in another jurisdiction but, if committed in Connecticut, would be a felony. By law, state agencies may only take action related to a credential against a person found guilty or convicted of a felony if the decision is based on (1) the conviction's nature, (2) its relationship to the practitioner's ability

to perform the occupation's duties or responsibilities safely or competently, (3) information about the practitioner's degree of rehabilitation, and (4) the time passed since the conviction or release.

Following a felony conviction of an individual registrant or a business owner, if the commissioner makes the decision in keeping with the above four considerations, the bill specifically allows the commissioner to revoke, suspend, or refuse to issue or renew a home improvement salesperson's or contractor's registration; place the registrant on probation; or issue a letter of reprimand.

Civil Penalties (§ 15)

The bill eliminates current law's graduated civil penalty scheme and replaces it with a maximum penalty of \$1,500.

By law, after notice and a hearing, the commissioner may impose civil penalties for:

1. engaging in work that requires a registration without having an active one,
2. willfully employing or supplying for employment an unregistered person,
3. willfully and falsely pretending to qualify for work that requires a registration that one does not have, or
4. violating other provisions of the trade licensing laws or regulations.

Currently, a first violation subjects the violator to a penalty of up to \$500; a second violation within three years of the first to a penalty of up to \$750; and a third or subsequent violation within three years after a previous violation to a \$1,500 penalty. The bill keeps the maximum penalty (\$1,500) for these violations but applies it to any violation. The bill also eliminates a provision setting the minimum penalty for a radon mitigation work related violation at \$250.

Technical Changes (§§ 10, 12 & 16)

The bill makes technical and conforming changes.

§§ 18 & 19 — HOMEMAKER-COMPANION AGENCIES

Expands disclosure requirements for homemaker-companion agencies, such as when an agency changes service rates or ceases operations; requires background checks of certain prospective agency owners

Disclosures to Clients (§§ 18 & 19)

The bill adds disclosure requirements for homemaker-companion agencies. It requires agencies to give at least 60 days' written notice to a client or their representative before changing a service rate. If the disclosure is not made, the charge is unenforceable. The bill also requires agencies to:

1. disclose in writing to a person scheduled to receive services (or his or her authorized representative), the full legal name of the employee who will provide the services, before the employee enters the client's home and
2. include in the contract, which by law must be provided within seven days after beginning services, notice that the agency must give at least 60 days' written notice before changing service rates.

Additionally, at least 10 days before a homemaker-companion agency unilaterally stops providing services to a Connecticut client, the bill requires the agency to notify the person in writing, explaining how he or she (1) may transition to alternative care and (2) will be reimbursed for any prepaid services. The notice must also have contact information for the person to get more information from the agency.

Sale, Change in Ownership, or Ceasing Operations (§§ 18 & 19)

Existing law requires applicants for a homemaker-companion agency registration to submit to a state and national criminal history check (CGS § 20-672). The bill also generally requires, before any sale or change in ownership of an agency, each proposed new owner or, if a proposed new owner is a business entity, the individuals who own the entity, to submit to state and national criminal history records checks. The bill

exempts a proposed new owner from this requirement if he or she:

1. owns less than 10% of the shares or other equity interests in any publicly listed or traded homemaker-companion agency and will not engage in the agency's day-to-day operations or direct its management and policies or
2. owns less than 5% of the shares or other equity interests in any private homemaker-companion agency and will not engage in the agency's day-to-day operations or its direct management and policies.

The bill also makes a background check unnecessary if the commissioner waives the requirement that a new agency application be filed under the general registration law, CGS § 20-672.

Under the bill, at least 10 days before a homemaker-companion agency stops providing all services in Connecticut it must notify DCP in writing, which must include contact information that it may use to contact the agency to get more information.

§§ 20 & 28-29 — UNTIMELY CREDENTIAL RENEWALS

Revises the process and requirements for renewing a lapsed DCP credential

The bill revises the process for renewing a DCP credential after the deadline for doing so has passed by setting a broadly applicable 90-day threshold for untimely renewals that can be obtained without DCP reinstatement.

Under current law, if a person allows a DCP credential to lapse and the period for automatic reinstatement has ended (or the law did not specify one), the person can apply to DCP for reinstatement. Generally, DCP can reinstate the credential (without examination, if applicable) only if fewer than three years passed since the deadline for automatic reinstatement. But in the case of licenses specifically, the law does not have a three-year limit. So, under current law, the department has discretion to reinstate a lapsed license without examination.

Late Renewals

Under the bill, if a renewal application is submitted within 90 days of the credential's expiration, the applicant has to pay existing law's late fee (i.e., 10% of the renewal fee, up to \$100, but at least \$10), but does not need to apply for reinstatement.

Reinstatement

If more than 90 days (or another period specified in law for automatic reinstatement) elapse, but fewer than three years, the bill requires an application for reinstatement. As under existing law, it is within DCP's discretion whether to reinstate the credential. The bill eliminates DCP's authority to reinstate a license that lapsed for more than three years. It also specifies that one cannot apply for a new license instead of using the bill's reinstatement process in the three-year period during which the reinstatement process applies.

Under the bill, reinstatement requirements vary depending on whether the person worked in the field without a required credential. The bill applies the same free structure as currently applies to reinstatements but adds continuing education requirements. So, under the bill:

1. if the applicant did not work, he or she must (a) pay the current year's renewal fee for reinstatement and (b) take any continuing education required for the year of, and the year before, the reinstatement; and
2. if the applicant worked, he or she must (a) pay all license and late fees due for the period in which the credential was lapsed and (b) show completion of all continuing education required for the year before reinstatement.

The bill also makes conforming changes in the e-cigarette and vaping product laws that refer to the late fee (§§ 28-29).

§ 21 — DCP COMMISSIONER ENFORCEMENT POWERS

Provides a broad grant of subpoena power to the DCP commissioner; exempts from disclosure under the Freedom of Information Act records related to pending enforcement actions or investigations

By law, the DCP commissioner and any deputy or assistant has broad power to enforce the consumer protection laws over which DCP has jurisdiction. The bill expands these powers by authorizing the commissioner and the commissioner's representatives to subpoena witnesses and require the production of records, papers, and documents pertinent to an investigation or inquiry. (By law, the DCP commissioner may also issue subpoenas under the powers granted by CUTPA.)

The bill also makes all records, papers, and documents obtained during a DCP investigation or enforcement action confidential and not subject to disclosure under the Freedom of Information Act until the investigation or enforcement action is adjudicated or otherwise settled or closed.

§§ 22 & 23 — FOOD WITH ADDED SULFITING AGENTS

Aligns the state's Uniform Food, Drug and Cosmetic Act with federal requirements on sulfiting agents in foods

The bill updates the state's Uniform Food, Drug and Cosmetic Act to conform to federal law and regulations on sulfiting agents in foods (e.g., sulfur dioxide, sodium sulfite, or sodium bisulfite). Specifically, it eliminates a provision specifying that food is adulterated if it has added sulfiting agents and instead allows for their addition as an "incidental additive," as defined and permitted under federal law. Under federal law, these are generally additives that are present in a food at insignificant levels and have no technical or functional effect in that food, such as processing aids.

The bill correspondingly (1) eliminates requirements for warning consumers that sulfiting agents are present in bulk, unpackaged food and (2) specifies when manufacturers must list the agents as ingredients.

§§ 24-27 — BEDDING SUPPLY DEALER CREDENTIAL

Eliminates an obsolete license for bedding supply dealers

The bill eliminates an obsolete license for supply dealers, which under current law are people who manufacture, process, package, repackage, or otherwise prepare for sale natural or synthetic fibers, feathers, or other soft material used to manufacture bedding. Bedding

includes mattresses, pillows, quilts, and upholstered furniture used for sleeping, resting, or reclining. Existing law, unchanged by the bill, requires a license before operating as a bedding:

1. manufacturer (i.e., someone who makes, prepares for sale, or imports bedding that contains filling material);
2. importer (i.e., someone who imports bedding from outside the United States);
3. renovator (i.e., someone who adds new filling material to bedding for a fee); or
4. secondhand dealer (i.e., someone who sells secondhand bedding).

BACKGROUND

Related Bills

sSB 135 (File 95), reported favorably by the General Law Committee, caps at \$100 various annual and biennial DCP occupational credentialing fees for individuals, such as contractors in the trades.

sSB 1025 (File 104), reported favorably by the Aging Committee, implements various recommendations from the Homemaker-Companion Task Force, including requiring DCP to (1) revoke a homemaker-companion agency's registration if it violates certain statutory requirements three times in a calendar year, (2) develop training standards for the agencies' employees, (3) identify training programs that teach these standards, and (4) develop a plan to implement mandatory training standards.

Connecticut's Apprenticeship Program

States administer apprenticeship programs within a framework set by federal law. DOL administers Connecticut's apprenticeship program through its Office of Apprenticeship Training (OAT). Programs must meet all the minimum requirements set by OAT, the State Department of Education, and DCP.

Apprenticeship programs may be sponsored by an employer or a union-employer joint committee. An employer can sponsor an apprenticeship program only if it registers with, and is approved by, DOL. Apprentices register with DOL through approved employers. When they register, apprentices receive a registration form that contains the agreement between the employer and apprentice, spelling out each party’s responsibilities (CGS §§ 31-22m to 31-22v; Conn. Agencies Regs., §§ 31-51d-1 to -12).

Connecticut Unfair Trade Practices Act (CUTPA)

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the consumer protection commissioner to issue regulations defining what is an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$10,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney’s fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute
Yea 22 Nay 0 (03/07/2023)