

# General Law Committee JOINT FAVORABLE REPORT

**Bill No.:** HB-6767

AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S

**Title:** RECOMMENDATIONS REGARDING LICENSING AND ENFORCEMENT.

**Vote Date:** 3/7/2023

**Vote Action:** Joint Favorable Substitute

**PH Date:** 2/28/2023

**File No.:** 229

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## **SPONSORS OF BILL:**

General Law Committee

## **REASONS FOR BILL:**

The Department of Consumer Protection advocated several changes in regulations and specifications relating to industry standards as well as updating statutes. The legislation expands the DCP's enforcement powers, broadening subpoena authority and apprentice law violations. This bill covers standardizing processes for lapsed DCP credentials, continuing education, deadlines for removal of leased fuel tanks, fines for heating fuel contract violations, and regulations for homemaker-companion agencies. It allows sellers of specialty engine fuel to post prices per half-gallon or liter and sets heating fuel removal regulations. The legislation establishes a process for DCP licensing, continuing education, and various penalties for anyone licensing under the auspices of DCP. The commissioner of the DCP assumes greater enforcement powers regarding consumer protection laws. In summation, it affects the regulation of building trades, apprenticeship programs, unfair trade practices, and a variety of necessary changes and updates to DCP statutes, increasing enforcement powers.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

### **Michelle Seagull, Commissioner, Department of Consumer Protection**

This legislation updates and addresses issues the DCP has when regulating and specifying statutory requirements of various industries under its umbrella. It clarifies and streamlines applications, licensing, and penalties. The legislation addresses propane fuel tank disposal, consumer complaints language addressing occupational apprentice registration and misuse.

**Colleen Murphy - Freedom of Information Commission.**

**Opposes.** FOI does not support the section of this legislation concerning investigations conducted by the Department of Consumer Protection. The commission feels, that contrary to Sec. 21, which proposes to exempt from disclosure all documents, records and papers found during an investigation by the Dept. of Consumer Protection until the case is adjudicated, settled, or closed, there is no reason that the public interest in knowing there is an investigation should not be satisfied. This is especially true as it is based on allegations against consumers. The FOI Commission feels that there is potential for such an investigation to go on ad infinitum, with no conclusion. The Commission suggests a fixed time for a conclusion would best serve.

**NATURE AND SOURCES OF SUPPORT:**

**Christian Herb – President, Connecticut Energy Marketers Association**

**Supports.** The section of this legislation relating to the pricing of specialty engine fuel to be displayed in measurements less than a gallon. This addresses an issue last year when this type of gasoline reached the level of \$10.00 per gallon. Pumps cannot display that and were forced to price it at \$9.99 per gallon. With this, the price of a half-gallon can be displayed with the appropriate signage. There is opposition to the "15-day" fuel tank removal section of this bill. The CEMA feels that this is not always enough time for fuel dealers to remove disconnected tanks from consumer homes for a variety of reasons, one of which is weather conditions. Retrieval of tanks is advantageous to the fuel dealer as they are expensive inventory.

**Bill Finch, Business Development National Electrical Contractors Association**

**Supports.** This legislation's enforcement section deals with remedies to the misclassifying of apprentices. By increasing the level of enforcement, the DCP will be ensuring the validity of training of apprentices as well as the regulations covering them. It is imperative that an apprentice is part of a DOL sponsored apprenticeship course. The more stringent enforcement language by DCP gives them the ability to stop these fraudulent practices. The request in the testimony is that language that appears in Sec.20-341(b) of CGA that gives the authority to issue civil penalty to the appropriate examining board or the Commissioner of Consumer Protection "after notice and hearing" be added to Sect. 7(b) and (c), to assure due process to the accused. They also request that subsection Sec. 7(f) of the proposal be removed. Presently the Commissioner of Consumer Protection has investigative and enforcement powers regarding alleged violations of the unfair trade practices, Section (42-110(a)) and should be able to investigate and determine further action, including hearings, if warranted.

**Christopher Fryxell, President, Associated Builders & Contractors, CT Chapter**

**Supports.** Supporting testimony is described as the intent behind Sec.7(b) and (c) creating or amending penalties for companies and individuals that operate unregistered apprenticeship programs and do not register these apprentices with the state. The discussion of 20-341(b) changes, as well as Sec.7(b) and (c), as well as Sec 7(f) and the statute changes dealing with apprenticeship are in synch with those of Bill Finch, Business Development National Electrical Contractors Association.

**Kimberly Glassman, Director, Foundation for Fair Contracting of Connecticut, Inc.**

**Supports.** The necessity to register in an apprenticeship training program through the Labor Department is supported, as is the statute stating unless this is done, the person shall cease and desist any advertising or work, until they are properly registered with the program through the Labor Department. Also supported is the section where Commissioner may, after a hearing, impose a fine for each such violation. Anyone registered to provide such program, and employing a person as an apprentice, without first verifying that such person is registered, must stop any conduct for any required apprenticeship registration. Again, a hearing by the Commissioner may be held should this be found verified, and a fine not to exceed five thousand dollars per violation may be incurred. This organization sees "wage theft" occurring, where apprentices are paid a lesser rate. Often the worker and the company are not enrolled in a registered apprenticeship program through DOL. Misclassifying workers is a common work around for companies not enrolled in the DOL apprenticeship program, and lets the company pay the person less, with loss of benefits and retirement. They are, in essence, exploiting their workers. The fact that this bill addresses such egregious, intentional errors and the Department of Consumer Protection has the enforcement ability to stop such practices, is supported.

### **Susan Oderwald – Always Best Care**

**Supports.** This bill strengthens regulation and control of the home health care industry. It provides structure for such businesses, adding regulation and defining practices and oversight of time sensitive issues, such as stopping health care service in a timely manner, as well as ensuring clients are aware of who is arriving to care for them. It also clarifies the method of registration and their reporting practices to DCP. There are, however, areas that need to be improved in the language. For instance, in Section 18, stating that the home health care agency must give notice within 10 days of cessation of assistance, is potentially dangerous for them. If they are stopping because the client needs more intensive care or there is an uneasy situation in the home of the client, the situation calls for a more immediate cessation. There is issue, as well, with the provision stating that the caregiver's written name must be provided to the client before entering the house. This is extremely hard to do, if possible, as most caregivers are called upon to arrive that day, or the next at the most. The final suggestion is to change the 60-day advance notice for fee structure changes, when 30 days would seem to be more sensible.

### **Larry Vallieres, Vice President and Chairman of Governmental Relations, Independent Electrical Contractors of New England**

**Supports.** The portion of this legislation dealing with enforcement of violators in the licensed occupational trades who do not register people with the DOL as apprentices and who offer, advertise, or do work requiring that such work be done by properly licensed and registered apprentices, when they are not, are now disciplined by DCP, who can impose a cease-and-desist order and impose fees. The discussion of the need to hire a greater number of apprentices in the trades is valid, as the construction/building industry is an aging population that needs them. They would also like to see a change in the electrical occupational licensing from three years to two, as there are many innovations which they believe must be a part of their continuing education.

### **NATURE AND SOURCES OF OPPOSITION:**

**Marlene Chickerella, Chair – Home Care Association Of America**

**Opposes.** The HCAOA requests changes in the bill that refer to several sections. Requiring that a caregiver's name be given in writing before entering a client's home is unworkable. Most clients request a caregiver or home care agency assistance within one day of service, if not the same day. It is the norm that the home health care agency providers be available immediately and requiring that a name be submitted in writing prior to the caregiver arriving would be impossible to accomplish. The sixty-day notice of change in rates is too long as changes in rates occur quite often due to changes in care needs, scheduling additions or subtraction and staffing levels. Also, requiring a ten-day notice to cease operations is unmanageable. There are many situations where a caregiver is removed from a client's home due to family or safety issues or a client requires care that is either deemed more or less than originally needed.

**Leslie Anderson, President and CEO – Propane Gas Assoc. of New England**

**Opposes.** This legislation requires that a heating fuel dealer that leases or lends heating fuel tanks, remove them and any additional equipment from a residence within fifteen days after the dealer has disconnected them. They ask that this section be removed or revised to change the removal date to "within thirty (30) days" to account for bad weather or other circumstances that may cause a delay. As the tanks are valuable, no dealer will intentionally leave a tank unattended, as it costs them money.

**Reported by: Kathleen Zabel**

**Date: April 3, 2023**