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File No. 823

General Assembly

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Substitute House Bill No. 6767
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 25, 2023

***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2 general statutes are repealed and the following is substituted in lieu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 delivery of heating fuel
95 service is discontinued by the consumer.

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; [J] 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
275 subparagraph (B) of subdivision (1) of subsection (a) of this section may
276 be fined not more than two hundred fifty dollars per violation in
277 accordance with the provisions of 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) any payment required by the board. The board
299 may charge a fee of not more than fifteen dollars for each request made

300 under this subsection. The board may waive such fee.]

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

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

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313 repealed and the following is substituted in lieu thereof (*Effective from*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

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

326 (2) An individual making [such] a request under subdivision (1) of
327 this subsection shall [include (A)] make such request on a form, and in
328 a manner, prescribed by the Commissioner of Consumer Protection,
329 which form shall require the individual to (A) submit to state and
330 national criminal history records checks conducted in accordance with
331 section 29-17a, and (B) provide details of the individual's criminal

332 conviction, [and (B) any payment required by the commissioner. The
333 commissioner may charge a fee of not more than fifteen dollars for each
334 request made under this subsection. The commissioner may waive such
335 fee.]

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

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

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

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

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

363 (c) An architect licensed in this state who holds a certificate of
364 registration as an interior designer issued under chapter 396a shall be
365 subject to (1) the continuing education requirements for registered
366 interior designers established in subsections (f) and (g) of section 20-
367 377s, and (2) the fee for renewal of such certificate of registration
368 established in subsection (e) of section 20-377s.

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

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

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

393 (3) Not later than thirty days after receiving a complete request under
394 subdivisions (1) and (2) of this subsection, the [commissioner]

395 department shall inform the individual making such request whether,
396 based on the criminal record information submitted, such individual is
397 disqualified from receiving or holding a [license or] certificate or license
398 issued pursuant to this chapter.

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

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

406 (a) Any person who wilfully engages in or practices the work or
407 occupation for which a license is required by this chapter or chapter
408 399b without having first obtained an apprentice permit or a certificate
409 and license for such work, as applicable, or who wilfully employs or
410 supplies for employment a person who does not have a certificate and
411 license for such work, or who wilfully and falsely pretends to qualify to
412 engage in or practice such work or occupation, including, but not
413 limited to, offering to perform such work in any print, electronic,
414 television or radio advertising or listing when such person does not hold
415 a license for such work as required by this chapter, or who wilfully
416 engages in or practices any of the work or occupations for which a
417 license is required by this chapter after the expiration of such person's
418 license, shall be guilty of a class B misdemeanor, except that no criminal
419 charges shall be instituted against such person pursuant to this
420 subsection unless the work activity in question is reviewed by the
421 Commissioner of Consumer Protection, or the commissioner's
422 authorized agent, and the commissioner or such agent specifically
423 determines, in writing, that such work activity requires a license and is
424 not the subject of a bona fide dispute between persons engaged in any
425 trade or craft, whether licensed or unlicensed. Notwithstanding the
426 provisions of subsection (d) or (e) of section 53a-29 and subsection (d)
427 of section 54-56e, if the court determines that such person cannot fully

428 repay any victims of such person within the period of probation
429 established in subsection (d) or (e) of section 53a-29 or subsection (d) of
430 section 54-56e, the court may impose probation for a period of not more
431 than five years. The penalty provided in this subsection shall be in
432 addition to any other penalties and remedies available under this
433 chapter or chapter 416.

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

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

459 [(b)] (d) The appropriate examining board or the Commissioner of
460 Consumer Protection may, after notice and a hearing conducted in

461 accordance with chapter 54, impose a civil penalty for each violation on
462 any person who (1) engages in or practices the work or occupation for
463 which a license or apprentice registration certificate is required by this
464 chapter, chapter 394, chapter 399b or chapter 482 without having first
465 obtained such a license or certificate, or (2) wilfully employs or supplies
466 for employment a person who does not have such a license or certificate
467 or who wilfully and falsely pretends to qualify to engage in or practice
468 such work or occupation, or (3) engages in or practices any of the work
469 or occupations for which a license or certificate is required by this
470 chapter, chapter 394, chapter 399b or chapter 482 after the expiration of
471 the license or certificate, or (4) violates any of the provisions of this
472 chapter, chapter 394, chapter 399b or chapter 482 or the regulations
473 adopted pursuant thereto. Such penalty shall be in an amount not [more
474 than one thousand dollars for a first violation of this subsection, not
475 more than one thousand five hundred dollars for a second violation of
476 this subsection and not more than] to exceed three thousand dollars for
477 each violation of this subsection, [occurring less than three years after a
478 second or subsequent violation of this subsection,] except that any
479 individual employed as an apprentice but improperly registered shall
480 not be penalized for a first offense.

481 [(c)] (e) If an examining board or the Commissioner of Consumer
482 Protection imposes a civil penalty under the provisions of subsection
483 [(b)] (d) of this section as a result of a violation initially reported by [,] a
484 municipal building official in accordance with subsection (c) of section
485 29-261, the commissioner shall, not less than sixty days after collecting
486 such civil penalty, remit one-half of the amount collected to such
487 municipality.

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

491 [(e)] (g) This section shall not apply to any person who (1) holds a
492 license issued under this chapter, chapter 394, chapter 399b or chapter
493 482 and performs work that is incidentally, directly and immediately

494 appropriate to the performance of such person's trade where such work
495 commences at an outlet, receptacle or connection previously installed
496 by a person holding the proper license, or (2) engages in work that does
497 not require a license under this chapter, chapter 394, chapter 399b or
498 chapter 482.

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

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

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

523 (3) Not later than thirty days after receiving a complete request under
524 subdivisions (1) and (2) of this subsection, the [commissioner]
525 department shall inform the individual making such request whether,

526 based on the criminal record information submitted, such individual is
527 disqualified from receiving or holding a registration issued pursuant to
528 this section.

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

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

536 (a) No person shall engage in the business of new home construction
537 or hold [himself or herself] such person out as a new home construction
538 contractor unless such person has been issued a certificate of registration
539 by the commissioner in accordance with the provisions of sections 20-
540 417a to [20-417j] 20-417k, inclusive. No new home construction
541 contractor shall be relieved of responsibility for the conduct and acts of
542 [its] such new home construction contractor's agents, employees or
543 officers by reason of such new home construction contractor's
544 compliance with the provisions of sections 20-417a to [20-417j] 20-417k,
545 inclusive.

546 (b) Any person seeking a certificate of registration shall apply to the
547 commissioner, online, on a form provided by the commissioner. The
548 application shall include (1) the applicant's name, business street
549 address and business telephone number, (2) the identity of the insurer
550 that provides the applicant with insurance coverage for liability, (3) if
551 such applicant is required by any provision of the general statutes to
552 have workers' compensation coverage, the identity of the insurer that
553 provides the applicant with such workers' compensation coverage, (4)
554 if such applicant is required by any provision of the general statutes to
555 have an agent for service of process, the name and address of such agent,
556 and (5) proof of general liability insurance coverage in an amount not
557 less than twenty thousand dollars, demonstrated by providing the

558 policy number and business name of the insurance provider. Each such
559 application shall be accompanied by a fee of one hundred twenty
560 dollars, except that no such application fee shall be required if such
561 person has paid the registration fee required under section 20-421, as
562 amended by this act, during any year in which such person's registration
563 as a new home construction contractor would be valid.

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

568 (d) [All] (1) Except as provided in subdivision (2) or (3) of this
569 subsection, all certificates issued under the provisions of sections 20-
570 417a to [20-417j] 20-417k, inclusive, shall expire annually [The] on the
571 thirty-first day of March, and the fee charged for renewal of such a
572 certificate shall be the same as the fee charged for [an] the original
573 application [, except that no] for such certificate.

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

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

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

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

596 [(g)] (f) The holder of a certificate of registration issued by the
597 commissioner in accordance with the provisions of sections 20-417a to
598 [20-417j] ~~20-417k~~, inclusive, may opt to engage in home improvement,
599 as defined in section 20-419, as amended by this act. If a new home
600 construction contractor does opt to engage in such home improvement,
601 such new home construction contractor shall first notify the
602 commissioner in writing and shall pay to the Department of Consumer
603 Protection any fee due to the Home Improvement Guaranty Fund
604 pursuant to section 20-432, as amended by this act.

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

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

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

610 [(1)] (2) "Certificate" means a certificate of registration issued under
611 section 20-422.

612 [(2)] (3) "Commissioner" means (A) the Commissioner of Consumer
613 Protection, [or] and (B) any person designated by the commissioner to
614 administer and enforce this chapter.

615 [(3)] (4) (A) "Contractor" means any person who (i) owns and operates
616 a home improvement business, or [who] (ii) undertakes, offers to
617 undertake or agrees to perform any home improvement.

618 (B) "Contractor" does not include a person for whom the total price

619 of all of [his] such person's home improvement contracts with all of [his]
620 such person's customers does not exceed one thousand dollars during
621 any period of twelve consecutive months.

622 [(4)] (5) (A) "Home improvement" includes, but is not limited to, the
623 repair, replacement, remodeling, alteration, conversion, modernization,
624 improvement, rehabilitation or sandblasting of, or addition to, any land
625 or building or that portion thereof which is used or designed to be used
626 as a private residence, dwelling place or residential rental property, or
627 the construction, replacement, installation or improvement of alarm
628 systems not requiring electrical work, as defined in section 20-330,
629 driveways, swimming pools, porches, garages, roofs, siding, insulation,
630 sunrooms, flooring, patios, landscaping, fences, doors and windows,
631 waterproofing, water, fire or storm restoration or mold remediation in
632 connection with such land or building or that portion thereof which is
633 used or designed to be used as a private residence, dwelling place or
634 residential rental property or the removal or replacement of a residential
635 underground heating oil storage tank system, in which the total price
636 for all work agreed upon between the contractor and owner or proposed
637 or offered by the contractor exceeds two hundred dollars.

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

652 [(5)] (6) "Home improvement contract" means an agreement between
653 a contractor and an owner for the performance of a home improvement.

654 [(6)] (7) "Owner" means a person who owns or resides in a private
655 residence and includes any agent thereof, including, but not limited to,
656 a condominium association. An owner of a private residence shall not
657 be required to reside in such residence to be deemed an owner under
658 this subdivision.

659 [(7)] (8) "Person" means an individual [, partnership, limited liability
660 company or corporation] or a business entity.

661 [(8)] (9) "Private residence" means a single family dwelling, a
662 multifamily dwelling consisting of not more than six units, or a unit,
663 common element or limited common element in a condominium, as
664 defined in section 47-68a, or in a common interest community, as
665 defined in section 47-202, or any number of condominium units for
666 which a condominium association acts as an agent for such unit owners.

667 [(9)] (10) "Salesman" means any individual who (A) negotiates or
668 offers to negotiate a home improvement contract with an owner, or (B)
669 solicits or otherwise endeavors to procure by any means whatsoever,
670 directly or indirectly, a home improvement contract from an owner on
671 behalf of a contractor.

672 [(10)] (11) "Residential rental property" means a single family
673 dwelling, a multifamily dwelling consisting of not more than six units,
674 or a unit, common element or limited common element in a
675 condominium, as defined in section 47-68a, or in a common interest
676 community, as defined in section 47-202, which is not owner-occupied.

677 [(11)] (12) "Residential underground heating oil storage tank system"
678 means an underground storage tank system used with or without
679 ancillary components in connection with real property composed of
680 four or less residential units.

681 [(12)] (13) "Underground storage tank system" means an

682 underground tank or combination of tanks, with any underground
683 pipes or ancillary equipment or containment systems connected to such
684 tank or tanks, used to contain an accumulation of petroleum, which
685 volume is ten per cent or more beneath the surface of the ground.

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

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

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

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

711 (d) On and after July 1, 2008, a home improvement contractor shall
712 not perform gas hearth product work, as defined in subdivision (22) of
713 section 20-330, unless such home improvement contractor holds a

714 limited contractor or journeyman gas hearth installer license pursuant
715 to section 20-334f.

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

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

744 (g) A contractor or salesperson shall update, through the
745 department's online licensing system, any application information the
746 contractor or salesperson has provided to the department pursuant to

747 this section, including, but not limited to, any contact information,
748 insurance information or criminal history for such contractor or
749 salesperson, or, if such contractor is a business entity, criminal histories
750 of the individual owners of such business entity, not later than thirty
751 days after any change in such information.

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

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

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

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

794 (d) Each such [corporation] business entity shall file with the
795 commissioner, upon application or renewal thereof, a designation of an
796 individual or individuals registered to perform home improvements in
797 this state who shall direct or supervise the performance of home
798 improvements by such [corporation] business entity in this state. [Such
799 corporation shall notify the commissioner of any change in such
800 designation within thirty days after such change becomes effective.]

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

808 (f) Each such business entity shall maintain a list of all of such
809 business entity's employees and contractors, and all employment
810 documents associated with such employees and contractors, in an
811 auditable format for at least four taxable years. Such business entity

812 shall, upon request by the commissioner or the commissioner's
813 authorized representative, (1) immediately make such list and
814 documents available to the commissioner or the commissioner's
815 authorized representative for the purpose of inspecting and copying
816 such list and documents, and (2) produce copies of such list and
817 documents to the commissioner or the commissioner's authorized
818 representative not later than two business days after the commissioner
819 or the commissioner's authorized representative requests such copies.
820 Such business entity shall make such list, documents and copies
821 available to the commissioner or the commissioner's authorized
822 representative in an electronic format unless it is not commercially
823 practical for such business entity to make such list, documents and
824 copies available to the commissioner or the commissioner's authorized
825 representative in an electronic format.

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

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

842 (b) Each application for a certificate of registration as a home
843 improvement contractor shall be accompanied by a fee of one hundred
844 twenty dollars, except that no such application fee shall be required in

845 any year during which such person has paid the registration fee
846 required under section 20-417b, as amended by this act, or in any year
847 in which such person's registration as a new home construction
848 contractor is valid.

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

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

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

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

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

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

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

905 (b) Each salesman who receives a certificate pursuant to this chapter
906 shall pay a fee of forty dollars annually. Each contractor (1) who receives
907 a certificate pursuant to this chapter, or (2) receives a certificate pursuant
908 to chapter 399a and has opted to engage in home improvement pursuant
909 to subsection [(g)] (f) of section 20-417b, as amended by this act, shall

910 pay a fee of one hundred dollars annually to the guaranty fund. Such
911 fee shall be payable with the fee for an application for a certificate or
912 renewal thereof. The annual fee for a contractor who receives a
913 certificate of registration as a home improvement contractor acting
914 solely as the contractor of record for a corporation shall be waived,
915 provided the contractor of record shall use such registration for the sole
916 purpose of directing, supervising or performing home improvements
917 for such corporation.

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

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

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

937 [(2)] (3) Not later than thirty days after receiving a complete request
938 under subdivisions (1) and (2) of this subsection, the [commissioner]
939 department shall inform the individual making such request whether,
940 based on the criminal record information submitted, such individual is
941 disqualified from receiving or holding a [license or] certificate or license

942 issued pursuant to this section.

943 [(3)] (4) The [commissioner] department is not bound by a
944 determination made under this section [,] if, upon further investigation,
945 the [commissioner] department determines that the individual's
946 criminal conviction differs from the information presented in [the] such
947 individual's determination request made under this subsection.

948 Sec. 18. Section 20-677 of the general statutes is repealed and the
949 following is substituted in lieu thereof (*Effective October 1, 2023*):

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

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

967 (c) In addition to any other remedy provided for in sections 20-670 to
968 20-676, inclusive, any person who violates any provision of subsection
969 (b) of this section shall be fined not more than one thousand dollars or
970 imprisoned not more than six months, or both.

971 (d) Certificates issued to a homemaker-companion agency shall not
972 be transferable or assignable. Prior to any sale or change in ownership

973 of a registered homemaker-companion agency, each proposed new
974 individual owner, or, if a proposed new owner is a business entity, the
975 individual owners of such business entity, shall submit to state and
976 national criminal history records checks as required under section 20-
977 672, unless:

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

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

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

992 (e) All certificates issued under the provisions of sections 20-670 to
993 20-680, inclusive, shall expire annually. The fee for renewal of a
994 certificate shall be the same as the fee charged for an original application
995 pursuant to section 20-672. Fees collected pursuant to the issuance of a
996 certificate or renewal of a certificate shall be deposited in the General
997 Fund.

998 (f) Failure to receive a notice of expiration of registration or a renewal
999 application shall not exempt a homemaker-companion agency from the
1000 obligation to renew.

1001 (g) Not later than ten days before a homemaker-companion agency
1002 ceases providing all homemaker services and companion services in this
1003 state, the homemaker-companion agency shall send a written notice to

1004 the Department of Consumer Protection disclosing the impending
1005 cessation and contact information that the department may use to
1006 contact such homemaker-companion agency to obtain additional
1007 information.

1008 (h) (1) Except as provided in subdivision (2) of this subsection, a
1009 homemaker-companion agency shall, not later than ten days before the
1010 homemaker-companion agency unilaterally ceases providing
1011 homemaker services or companion services to any person in this state,
1012 send a written notice to such person disclosing (A) the impending
1013 cessation, (B) how such person may transition to alternative care, (C)
1014 how such person shall be reimbursed for any prepaid homemaker
1015 services or companion services, and (D) contact information that such
1016 person may use to contact such homemaker-companion agency to
1017 obtain additional information.

1018 (2) A homemaker-companion agency may cease providing
1019 homemaker services or companion services to any person in this state
1020 during the notice period established in subdivision (1) of this subsection
1021 if (A) such person, such person's authorized representative or any other
1022 person who resides in, or has access to, such person's home has verbally
1023 or physically abused, threatened or otherwise mistreated an employee
1024 of such homemaker-companion agency, (B) providing such homemaker
1025 services or companion services would place such homemaker-
1026 companion agency at risk of failing to comply with any applicable local,
1027 state or federal law, including, but not limited to, any applicable local,
1028 state or federal antidiscrimination, employment, health or occupational
1029 safety law, or (C) such person has failed to tender payment for such
1030 homemaker services or companion services pursuant to the written
1031 contract or service plan.

1032 Sec. 19. Section 20-679 of the general statutes is repealed and the
1033 following is substituted in lieu thereof (*Effective October 1, 2023*):

1034 (a) A homemaker-companion agency shall disclose, in writing, to a
1035 person who is scheduled to receive homemaker services or companion

1036 services, or such person's authorized representative, the full legal name
1037 of the employee who will provide such services. The homemaker-
1038 companion agency shall make such disclosure to such person, or such
1039 person's authorized representative, before such employee enters such
1040 person's home.

1041 [(a)] (b) Not later than seven calendar days after the date on which a
1042 homemaker-companion agency commences providing homemaker
1043 services or companion services, such agency shall provide the person
1044 who receives [the] such services, or the authorized representative of
1045 such person, with a written contract or service plan that prescribes the
1046 anticipated scope, type, frequency, duration and cost of [the] such
1047 services. [provided by the agency.] In addition, any contract or service
1048 plan provided by a homemaker-companion agency to a person
1049 receiving homemaker services or companion services shall also provide
1050 conspicuous notice, in boldface type, disclosing (1) [of] the person's
1051 right to request changes to, or review of, the contract or service plan, (2)
1052 [of] that such agency shall provide at least sixty days' advance written
1053 notice to such person or such person's authorized representative
1054 disclosing any change in the rate for the same level or type of services
1055 provided and charged for such services, (3) the employees of such
1056 agency who, pursuant to section 20-678 are required to submit to a
1057 comprehensive background check, [(3)] (4) that upon the request of such
1058 person or an authorized representative of such person, such agency
1059 shall provide such person or representative of such person with written
1060 notice that a comprehensive background check, as required pursuant to
1061 section 20-678, was performed for all employees of such agency
1062 performing homemaker services or companion services for such person,
1063 [(4)] (5) that such agency's records are available for inspection or audit
1064 by the Department of Consumer Protection, [(5)] (6) that the agency is
1065 not able to guarantee the extent to which its homemaker services or
1066 companion services will be covered under any insurance plan, and [(6)]
1067 (7) that such contract or service plan may be cancelled at any time by the
1068 client if such contract or service plan does not contain a specific period
1069 of duration. No contract or service plan for the provision of homemaker

1070 or companion services shall be valid against the person who receives the
1071 services or the authorized representative of such person, unless the
1072 contract or service plan has been signed by a duly authorized
1073 representative of the homemaker-companion agency and the person
1074 who receives the services or the authorized representative of such
1075 person. No change in the rate for the same level or type of services
1076 provided and charged for homemaker services or companion services
1077 shall be valid against a person who is receiving such services unless the
1078 homemaker-companion agency providing such services provides at
1079 least sixty days' advance written notice to such person, or such person's
1080 authorized representative, disclosing such rate change. The
1081 requirements of this section shall not apply to homemaker services or
1082 companion services provided under the Connecticut home-care
1083 program for the elderly administered by the Department of Social
1084 Services in accordance with section 17b-342. A written contract or
1085 service plan between a homemaker-companion agency and a person
1086 receiving services or the authorized representative of such person shall
1087 not be enforceable against such person receiving services or authorized
1088 representative unless such written contract or service plan contains all
1089 of the requirements of this section.

1090 [(b)] (c) Nothing in this section shall preclude a homemaker-
1091 companion agency that has complied with subdivisions (1) to [(6)] (7),
1092 inclusive, of subsection [(a)] (b) of this section from the recovery of
1093 payment for work performed based on the reasonable value of
1094 homemaker services or companion services which were requested by
1095 the person receiving such services, provided the court determines that
1096 it would be inequitable to deny such recovery.

1097 Sec. 20. Subsections (c) to (f), inclusive, of section 21a-4 of the general
1098 statutes are repealed and the following is substituted in lieu thereof
1099 (*Effective from passage*):

1100 (c) The Commissioner of Consumer Protection may impose a [fine]
1101 late fee on any applicant who fails to renew a license, permit, certificate
1102 or registration [not later than] on or before the expiration date of such

1103 license, permit, certificate or registration. The amount of the [fine] late
1104 fee shall be equal to ten per cent of the renewal fee but shall not be less
1105 than ten dollars or more than one hundred dollars.

1106 (d) [Notwithstanding any other provision of the general statutes,
1107 each applicant whose license has lapsed for a period longer than the
1108 length of time allowing automatic reinstatement may apply for
1109 reinstatement to the appropriate board. Upon receipt of such
1110 application and payment of the fee, the department may, at its
1111 discretion, reinstate a lapsed license without examination, provided
1112 such application for reinstatement is accompanied by a notarized letter
1113 and supporting documentation attesting to the applicant's related work
1114 experience in their occupation or profession from the time he or she had
1115 let such license lapse. Such applicant, upon approval by the department,
1116 shall pay all back license and late fees in order for such license to be
1117 reinstated.] If the Department of Consumer Protection does not receive
1118 a completed license, permit, certificate or registration renewal
1119 application from an applicant on or before the expiration date of such
1120 license, permit, certificate or registration but the applicant submits a
1121 completed renewal application to the department not later than ninety
1122 days after such expiration date, the applicant shall pay any late fee
1123 imposed by the commissioner under subsection (c) of this section but
1124 shall not be required to apply for reinstatement under subsection (e) of
1125 this section.

1126 (e) When a license, permit, [certification] certificate or registration has
1127 lapsed for a period longer than ninety days after its expiration date or
1128 the length of time specified in any other provision of the general statutes
1129 allowing [automatic] for its reinstatement, [or the general statutes are
1130 silent as to the period of time during which reinstatement of the license,
1131 permit, certification or registration is permissible] an applicant may
1132 apply [for reinstatement to the department] to the Department of
1133 Consumer Protection to reinstate such lapsed license, permit, certificate
1134 or registration. Upon receipt of such completed reinstatement
1135 application and payment of the corresponding application fee, the
1136 department may, in the department's discretion and if such application

1137 [was] is made not later than three years after [the] such expiration date
1138 [allowing automatic reinstatement] or specified time, reinstate [the]
1139 such lapsed license, permit, [certification] certificate or registration
1140 without examination. The applicant, prior to reinstatement by the
1141 department, shall [pay all back license and late fees, unless the applicant
1142 attests] attest that [he or she] the applicant has not worked in the
1143 applicable occupation or profession in this state while [the] such license,
1144 permit, [certification] certificate or registration was lapsed, [in which
1145 case the applicant shall] pay the current year's renewal fee for
1146 reinstatement and take any continuing education required for the year
1147 preceding such reinstatement and the year of such reinstatement. If the
1148 applicant worked in the applicable occupation or profession in this state
1149 while such license, permit, certificate or registration was lapsed, the
1150 applicant shall pay all license and late fees due and owing for the period
1151 in which such license, permit, certificate or registration was lapsed and
1152 demonstrate to the department that the applicant has completed all
1153 continuing education required for the year preceding reinstatement. If
1154 [the] a license, permit, [certification] certificate or registration [lapse is
1155 three years or more] has lapsed for longer than three years after the
1156 license, permit, certificate or registration expiration date or the length of
1157 time specified in any other provision of the general statutes allowing for
1158 reinstatement, whichever is longer, the applicant shall apply for a new
1159 license, permit, [certification] certificate or registration under this
1160 subsection. No person who had a license, permit, certificate or
1161 registration that lapsed during the three years immediately preceding
1162 the date of an application made pursuant to this subsection may seek a
1163 new license, permit, certificate or registration of the same type under the
1164 same name.

1165 (f) Unless expressly provided otherwise by law, application fees for a
1166 license, permit, [certification] certificate or registration within the
1167 purview of the Department of Consumer Protection shall be
1168 nonrefundable.

1169 Sec. 21. Subsection (a) of section 21a-11 of the general statutes is
1170 repealed and the following is substituted in lieu thereof (*Effective from*

1171 *passage*):

1172 (a) (1) The Commissioner of Consumer Protection may, subject to the
1173 provisions of chapter 67, employ such agents and assistants as are
1174 necessary to enforce the provisions of the general statutes wherein [said]
1175 the commissioner is empowered to carry out the duties and
1176 responsibilities assigned to [him or his department] the commissioner
1177 or the Department of Consumer Protection. For the purpose of inquiring
1178 into any suspected violation of such provisions, the commissioner and
1179 [his] the commissioner's deputy and assistants shall have free access, at
1180 all reasonable hours, to all places and premises, homes and apartments
1181 of private families keeping no boarders excepted. The commissioner
1182 and [his or her] the commissioner's deputy or assistants shall have the
1183 authority to issue citations pursuant to section 51-164n for violations for
1184 the purpose of enforcing such provisions. The commissioner may
1185 delegate [his or her] the commissioner's authority to render a final
1186 decision in a contested case to a hearing officer employed by, or
1187 contracted with, the department.

1188 (2) Notwithstanding the provisions of the Freedom of Information
1189 Act, as defined in section 1-200, all records, papers and documents
1190 obtained during an investigation or enforcement action conducted
1191 pursuant to subdivision (1) of this subsection shall be confidential and
1192 not subject to disclosure under said act until such investigation or
1193 enforcement action has been finally adjudicated or otherwise settled or
1194 closed.

1195 Sec. 22. Subsection (a) of section 21a-101 of the general statutes is
1196 repealed and the following is substituted in lieu thereof (*Effective from*
1197 *passage*):

1198 (a) A food shall be deemed to be adulterated:

1199 (1) (A) If it bears or contains any poisonous or deleterious substance
1200 which may render it injurious to health; but, if the substance is not an
1201 added substance, such food shall not be considered adulterated under
1202 this clause if the quantity of such substance in such food would not

1203 ordinarily render it injurious to health; (B) if it bears or contains any
1204 added poisonous or added deleterious substance which is unsafe within
1205 the meaning of section 21a-104; (C) if it consists in whole or in part of
1206 any diseased, contaminated, filthy, putrid or decomposed substance or
1207 if it is otherwise unfit for food; (D) if it has been produced, prepared,
1208 packed or held under insanitary conditions whereby it may have
1209 become contaminated with filth, or whereby it may have been rendered
1210 diseased, unwholesome or injurious to health; (E) if it is in whole or in
1211 part the product of a diseased animal or of an animal which has died
1212 otherwise than by slaughter or which has been fed on the uncooked offal
1213 from a slaughterhouse; or (F) if its container is composed in whole or in
1214 part of any poisonous or deleterious substance which may render the
1215 contents injurious to health;

1216 (2) (A) If any valuable constituent has been in whole or in part
1217 omitted or abstracted therefrom; (B) if any substance has been
1218 substituted wholly or in part therefor; (C) if damage or inferiority has
1219 been concealed in any manner; or (D) if any substance has been added
1220 thereto or mixed or packed therewith so as to increase its bulk or weight,
1221 or reduce its quality or strength, or make it appear better or of greater
1222 value than it is;

1223 (3) If it bears or contains a color additive which is unsafe within the
1224 meaning of section 21a-104;

1225 (4) If it is confectionery and it bears or contains any alcohol or
1226 nonnutritive article or substance except harmless coloring, harmless
1227 flavoring, harmless resinous glaze not in excess of four-tenths of one per
1228 cent, harmless natural gum or pectin; provided this subdivision shall
1229 not apply to any confectionery by reason of its containing less than one-
1230 half of one per cent by volume of alcohol derived solely from the use of
1231 flavoring extracts, or to any chewing gum by reason of its containing
1232 harmless nonnutritive masticatory substances, or any alcohol-infused
1233 confection subject to regulations adopted under subsection (b) of this
1234 section; and

1235 (5) If such food is to be offered for sale at retail as a food product and
1236 a retail or wholesale establishment has added to such food any sulfiting
1237 agent, including sulfur dioxide, sodium sulfite, sodium bisulfite,
1238 potassium bisulfite, sodium metabisulfite or potassium metabisulfite,
1239 separately or in combination, [to such food] unless such sulfiting agent
1240 is an incidental additive, as defined in section 21a-104a, as amended by
1241 this act.

1242 Sec. 23. Section 21a-104a of the general statutes is repealed and the
1243 following is substituted in lieu thereof (*Effective from passage*):

1244 (a) For the purposes of this section:

1245 (1) "Incidental additive" has the same meaning as provided in 21 CFR
1246 101.100, as amended from time to time;

1247 (2) "Manufacturer" means any person, firm or corporation which (A)
1248 produces or grows food, and (B) packages such food for resale or
1249 distribution;

1250 [(1)] (3) "Person" means any individual, partnership, firm,
1251 association, limited liability company or corporation; and

1252 [(2)] (4) "Sulfiting agent" means any sulfur dioxide, sodium sulfite,
1253 sodium bisulfite, potassium bisulfite, sodium metabisulfite or
1254 potassium metabisulfite. [;]

1255 [(3)] "Manufacturer" means any person, firm or corporation which
1256 produces or grows food and which packages such food for resale or
1257 distribution.]

1258 (b) No person who sells, offers for sale or distributes food, other than
1259 a manufacturer of food, shall add any sulfiting agent, other than an
1260 incidental additive, to any food sold, offered for sale or distributed in
1261 this state.

1262 [(c)] Any retailer who displays, sells or offers for sale any bulk display
1263 of un packaged food, including food displayed in any salad bar, which

1264 food contains any sulfiting agent, shall prominently display a sign
1265 which shall read as follows:

1266 THIS PRODUCT CONTAINS A SULFITING AGENT. SULFITES
1267 MAY CAUSE AN ALLERGIC REACTION IN CERTAIN PERSONS,
1268 PARTICULARLY ASTHMATICS.

1269 Each letter on such sign shall be not less than one-half inch in height
1270 and shall be of the same type, style and color, which color shall contrast
1271 clearly with the background of such sign.]

1272 (c) Each sulfiting agent that is added to any food or to any ingredient
1273 in any food shall comply with the requirements established in 21 CFR
1274 101.100(a)(4), as amended from time to time.

1275 (d) [Any] Except as provided in 21 CFR 101.100, as amended from
1276 time to time, with respect to incidental additives, any manufacturer who
1277 adds a sulfiting agent to any food or to any ingredient in any food,
1278 which sulfiting agent is present in the finished food product, shall
1279 include such sulfiting agent as an ingredient of the food in the ingredient
1280 statement of the label attached to such food product. Such ingredient
1281 statement shall indicate the name of the sulfiting agent and the function
1282 of such sulfiting agent.

1283 Sec. 24. Section 21a-231 of the general statutes is repealed and the
1284 following is substituted in lieu thereof (*Effective from passage*):

1285 When used in this section and sections [21a-231] 21a-232 to 21a-236,
1286 inclusive, as amended by this act:

1287 (1) "Bedding" means any mattress, pillow, cushion, quilt, bed pad,
1288 comforter, sleeping bag, upholstered spring bed, box spring, davenport,
1289 bedspring metal couch, metal bed, metal cradle, hammock pillow,
1290 upholstered furniture or other substantially similar article or part
1291 thereof used or intended to be used for sleeping, resting or reclining.

1292 (2) "Commissioner" means the Commissioner of Consumer
1293 Protection or such commissioner's designee.

- 1294 (3) "Department" means the Department of Consumer Protection.
- 1295 (4) "Fee", "permit fee" and "license fee" mean the respective fees paid
1296 at the time of application for the issuance or renewal of any permit or
1297 license.
- 1298 (5) "Filling material" means any natural or synthetic fibers or
1299 filaments, down, feathers or other soft material which may be used in
1300 the manufacture of bedding.
- 1301 (6) "Importer" means any person who imports bedding from outside
1302 the United States.
- 1303 (7) "Manufacture", "make", or "made" refer to the assembly,
1304 construction or the importation of bedding or filling material for sale.
- 1305 (8) "Manufacturer" means any person who makes or prepares for sale
1306 or imports bedding, in whole or in part, that contains filling material.
- 1307 (9) "New" means any filling material or bedding which has not been
1308 previously used for any purpose.
- 1309 (10) "Person" means an individual, partnership, corporation, limited
1310 liability company, association, receiver or agent.
- 1311 (11) "Renovate" means addition of new filling material to bedding.
- 1312 (12) "Renovator" means any person who adds new filling material to
1313 bedding for a fee.
- 1314 (13) "Sale", "sell", or "sold" means offering or exposing for sale or
1315 exchange or lease or holding in possession with like intent.
- 1316 (14) "Sanitized" or "method of sanitation" means the direct
1317 application of chemicals to kill pathogenic agents.
- 1318 (15) "Sterilized" or "method of sterilization" refers to the mitigation of
1319 any infective and deleterious substances including germs, fungi and
1320 insects from bedding or filling material by a process approved by the

1321 commissioner.

1322 (16) "Secondhand" means any filling material or bedding subject to
1323 prior use.

1324 (17) "Secondhand dealer" means any person who sells any
1325 secondhand bedding.

1326 [(18) "Supply dealer" means any person who manufactures,
1327 processes, packages, repackages or otherwise prepares for sale, any
1328 filling or material.]

1329 [(19)] (18) "Upholstered furniture" means any furniture that contains
1330 filling material and is used or intended to be used for sitting, resting or
1331 reclining.

1332 Sec. 25. Subsection (m) of section 21a-232 of the general statutes is
1333 repealed and the following is substituted in lieu thereof (*Effective from*
1334 *passage*):

1335 (m) No manufacturer, [supply dealer,] renovator, secondhand dealer
1336 or vendor shall deliver any tag required by this chapter unless it is
1337 affixed to an article of bedding or filling material provided that the
1338 commissioner may permit the delivery of unattached tags.

1339 Sec. 26. Subsections (a) to (d), inclusive, of section 21a-233 of the
1340 general statutes are repealed and the following is substituted in lieu
1341 thereof (*Effective from passage*):

1342 (a) Every article of bedding or filling material offered for sale shall
1343 have attached to it a tag which states: The name, as approved by the
1344 commissioner, of the filling material; whether the filling material is new
1345 or secondhand; the license number of the manufacturer, [supply dealer,]
1346 renovator or secondhand dealer; the name and address of the
1347 manufacturer, [supply dealer,] secondhand dealer, renovator or vendor;
1348 when applicable, the words "contents sterilized" and the permit number
1349 of the sterilizer; and the per cent by weight of each filling material.
1350 Secondhand bedding which has not been renovated may also bear on

1351 the tag the statement "as is-- contents unknown". Nothing other than
1352 the disclosures and statements required or permitted by this chapter
1353 shall appear on the tag.

1354 (b) All tags attached to new bedding and filling material shall be
1355 legibly marked with the date of delivery to the consumer.

1356 (c) Renovated bedding shall bear a tag which, in addition to the other
1357 statements required by this chapter, states: "Renovated for" followed by
1358 the name and address of the person for whom the bedding is renovated,
1359 the name and address of the renovator, the date sterilized, that the
1360 bedding contains the same filling material as when it was received, and
1361 the name and per cent by weight of each filling material added during
1362 renovation.

1363 (d) Each container of filling material shall bear a tag which states: The
1364 name, license number and address of the manufacturer [, supply dealer]
1365 or vendor; the name of the filling material and whether the filling
1366 material is new or secondhand; and, if sterilized, the words "contents
1367 sterilized" and the permit number of the sterilizer. New bedding or new
1368 filling material shall not be transported with secondhand bedding or
1369 secondhand filling material that has not been sterilized.

1370 Sec. 27. Subsections (a) to (c), inclusive, of section 21a-234 of the
1371 general statutes are repealed and the following is substituted in lieu
1372 thereof (*Effective from passage*):

1373 (a) No person shall act as a manufacturer, [supply dealer,] importer,
1374 renovator or secondhand dealer without first completing an application
1375 and obtaining a numbered license from the commissioner. The license
1376 shall be conspicuously posted in the establishment of the person to
1377 whom the license is issued. A license shall be valid for one year.

1378 (b) Any method of sterilization or sanitation used in connection with
1379 this chapter shall require the prior approval of the commissioner. Each
1380 person who wishes to sterilize or sanitize bedding or filling material
1381 shall complete an application and obtain a numbered permit from the

1382 commissioner. The permit must be conspicuously posted in the
1383 establishment of the person to whom the permit is issued. Each permit
1384 shall cost twenty-five dollars and shall be valid for one year.

1385 (c) Manufacturers shall pay, prior to the issuance or reissuance of a
1386 license, a fee of one hundred dollars. The licensee may then operate as a
1387 manufacturer, [supply dealer,] renovator or secondhand dealer.
1388 [Supply dealers shall pay, prior to the issuance or reissuance of a license,
1389 a fee of one hundred dollars. The licensee may then operate as a supply
1390 dealer, renovator or secondhand dealer.] Renovators shall pay, prior to
1391 the issuance or reissuance of a license, a fee of fifty dollars. The licensee
1392 may then operate as a renovator and secondhand dealer. Secondhand
1393 dealers shall pay, prior to the issuance or reissuance of a license, a fee of
1394 fifty dollars. The licensee may then operate as a secondhand dealer.
1395 Importers shall pay, prior to the issuance or reissuance of a license, a fee
1396 of one hundred dollars.

1397 Sec. 28. Subsection (e) of section 21a-415 of the general statutes is
1398 repealed and the following is substituted in lieu thereof (*Effective from*
1399 *passage*):

1400 (e) The department may renew a dealer registration issued under this
1401 section that has expired if the applicant pays to the department any
1402 [fine] late fee imposed by the commissioner pursuant to subsection (c)
1403 of section 21a-4, as amended by this act, which [fine] late fee shall be in
1404 addition to the fees prescribed in this section for the dealer registration
1405 applied for. The provisions of this subsection shall not apply to any
1406 dealer registration which is the subject of administrative or court
1407 proceedings.

1408 Sec. 29. Subsection (d) of section 21a-415a of the general statutes is
1409 repealed and the following is substituted in lieu thereof (*Effective from*
1410 *passage*):

1411 (d) The department may renew a manufacturer registration issued
1412 under this section that has expired for a period of six months or less if
1413 the applicant pays to the department any [fine] late fee imposed by the

1414 commissioner pursuant to subsection (c) of section 21a-4, as amended
1415 by this act, which [fine] late fee shall be in addition to the fees prescribed
1416 in this section for the certificate of manufacturer registration applied for.
1417 The provisions of this subsection shall not apply to any manufacturer
1418 registration which is the subject of administrative or court proceedings.

1419 Sec. 30. Subsection (b) of section 21a-190c of the general statutes is
1420 repealed and the following is substituted in lieu thereof (*Effective from*
1421 *passage*):

1422 (b) [A] (1) For a financial statement that is initially due on or before
1423 July 1, 2023, a charitable organization with gross revenue in excess of
1424 five hundred thousand dollars in the year covered by the report shall
1425 include with [its] the charitable organization's financial statement an
1426 audit report of a certified public accountant.

1427 (2) For a financial statement that is initially due after July 1, 2023, a
1428 charitable organization shall include with the charitable organization's
1429 financial statement (A) an attestation that an audit report has been
1430 completed by a certified public accountant if the charitable organization
1431 had gross revenue in excess of one million dollars in the year covered
1432 by such report, or (B) an attestation that an audit or review report has
1433 been completed by a certified public accountant if the charitable
1434 organization had gross revenue in excess of five hundred thousand
1435 dollars but not more than one million dollars in the year covered by such
1436 report.

1437 (3) For the purposes of this [section] subsection, gross revenue shall
1438 not include grants or fees from government agencies or the revenue
1439 derived from funds held in trust for the benefit of the organization.

1440 (4) The commissioner may, upon written request and for good cause
1441 shown, waive the audit or review report requirement under this
1442 subsection.

1443 Sec. 31. Subsection (a) of section 21a-190b of the general statutes is
1444 repealed and the following is substituted in lieu thereof (*Effective from*

1445 *passage*):

1446 (a) Every charitable organization not exempted by section 21a-190d
1447 shall annually register with the department prior to conducting any
1448 solicitation or prior to having any solicitation conducted on its behalf by
1449 others. Application for registration shall be in a form prescribed by the
1450 commissioner and shall include a nonrefundable application fee of fifty
1451 dollars. Such application shall include: (1) A registration statement, (2)
1452 an annual financial report for such organization for the preceding fiscal
1453 year that is prepared in accordance with the provisions of subsection (a)
1454 of section 21a-190c, and (3) an audited or reviewed financial statement
1455 as required by subsection (b) of section 21a-190c, as amended by this act.
1456 An authorized officer of the organization shall certify that the
1457 statements therein are true and correct to the best of their knowledge. A
1458 chapter, branch or affiliate in this state of a registered parent
1459 organization shall not be required to register provided the parent
1460 organization files a consolidated annual registration for itself and its
1461 chapter, branch or affiliate. Each charitable organization shall annually
1462 renew its registration not later than eleven months after the end of such
1463 organization's fiscal year.

1464 Sec. 32. Subsections (d) to (h), inclusive, of section 42-471 of the
1465 general statutes, as amended by section 5 of substitute senate bill 1058
1466 of the current session, as amended by Senate Amendment Schedule "A",
1467 are repealed and the following is substituted in lieu thereof (*Effective July*
1468 *1, 2023*):

1469 (d) (1) Except as provided in subdivision (2) of this subsection, for
1470 persons who hold a license, registration or certificate issued by, or a
1471 charter subject to the supervision of, a state agency other than the
1472 Department of Consumer Protection, this section shall be enforceable
1473 only by such other state agency pursuant to such other state agency's
1474 existing statutory and regulatory authority.

1475 (2) The provisions of subdivision (1) of this subsection shall not apply
1476 to actions undertaken by the Attorney General.

1477 [(e) Any person or entity that violates the provisions of this section
 1478 shall be subject to a civil penalty of five hundred dollars for each
 1479 violation, provided such civil penalty shall not exceed five hundred
 1480 thousand dollars for any single event. It shall not be a violation of this
 1481 section if such violation was unintentional. A violation of this section
 1482 shall constitute an unfair trade practice under subsection (a) of section
 1483 42-110b, provided the provisions of section 42-110g shall not apply to
 1484 such violation. Nothing in this section shall be construed to create a
 1485 private right of action.]

1486 (e) (1) A violation of this section shall constitute an unfair trade
 1487 practice under subsection (a) of section 42-110b, provided the provisions
 1488 of section 42-110g shall not apply to such violation. Nothing in this
 1489 section shall be construed to create a private right of action.

1490 (2) In the event of a violation of this section, the Department of
 1491 Consumer Protection may conduct an administrative hearing, in
 1492 accordance with chapter 54, and impose a civil penalty of not more than
 1493 five thousand dollars per violation.

1494 (f) The provisions of this section shall not apply to any agency or
 1495 political subdivision of the state.

1496 (g) If a financial institution has adopted safeguards that comply with
 1497 the standards established pursuant to Section 501(b) of the Gramm-
 1498 Leach-Bliley Act of 1999, 15 USC 6801, then such compliance shall
 1499 constitute compliance with the provisions of this section.

1500 (h) Any civil penalties received pursuant to this section may be
 1501 deposited into the privacy protection guaranty and enforcement
 1502 account established pursuant to section 42-472a.

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	October 1, 2023	20-677
Sec. 19	October 1, 2023	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)
Sec. 30	<i>from passage</i>	21a-190c(b)
Sec. 31	<i>from passage</i>	21a-190b(a)
Sec. 32	July 1, 2023	42-471(d) to (h)

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.

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

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

These sections also remove the Department of Consumer Protection's (DCP) ability to charge a fee of up to \$15 when an individual convicted of a criminal offense request to know if it disqualifies them from obtaining a certificate or license resulting in a potential revenue loss to the state to the extent these fees are assessed.

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

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.

the state to the extent late renewals and reinstatements occur.

Section 503 increases the civil penalty to not more than \$5,000 per violation and removes the cap on civil penalties for any single event resulting in a potential revenue gain to the state to the extent that these violations occur.

The bill also makes various minor, technical, and conforming changes to consumer protection statutes resulting in no fiscal impact to the state.

House "A" retains the current fee language for violating existing law's written contract provisions in section 2 which removes the potential revenue loss from this section in the underlying bill.

The amendment removes the Department of Consumer Protection's (DCP) ability to charge a fee of up to \$15 when an individual convicted of a criminal offense request to know if it disqualifies them from obtaining a certificate or license resulting in a potential revenue loss to the state to the extent these fees are assessed.

The amendment also adds Section 503 which increases the civil penalty to not more than \$5,000 per violation and removes the cap on civil penalties for any single event resulting in a potential revenue gain to the state to the extent that these violations occur.

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 (as amended by House "A")*****AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING LICENSING AND ENFORCEMENT.**

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Sets a 30-day deadline for heating fuel dealers to remove a residential leased fuel tank after the consumer terminates service

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§§ 24-27 — BEDDING SUPPLY DEALER CREDENTIAL

Eliminates an obsolete license for bedding supply dealers

§§ 30 & 31 — CHARITABLE ORGANIZATIONS AUDIT REQUIREMENT

Raises the revenue threshold above which a registered charitable organization must submit to a formal audit, while allowing smaller organizations to instead submit to a CPA's financial "review report"

§ 32 — CONSUMER PRIVACY AND SAFEGUARDING REQUIREMENTS

Makes changes to SB 1058, as amended by Senate Amendment "A," § 5, further modifying the penalty and enforcement mechanism for personal information safeguarding requirements

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 establishing them 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;
5. requiring homemaker-companion agencies to notify clients and DCP before making certain changes to, or terminating, services;
6. raising the revenue threshold above which a registered charitable organization must submit to a formal audit; and
7. modifying the penalty and enforcement mechanism for certain personal information safeguarding requirements.

*House Amendment "A" (1) modifies the provisions on leased fuel tank removal and reinstates the current penalty for violations of certain written contract provisions; (2) modifies the provisions on inquiries about prior convictions and credentialing, including eliminating a requirement that applicants pay for the service; (3) clarifies the homemaker-companion agency provisions, including adding exceptions to a requirement that clients receive advance notice of unilateral termination of services and delaying the effective date; (4) eliminates a provision in the underlying bill giving the DCP commissioner a broad grant of subpoena power; and (5) adds the provisions on charitable organizations' financial statements and personal information safeguarding requirements.

EFFECTIVE DATE: Upon passage, except the provisions on homemaker-companion agencies are effective October 1, 2023, and those on data safeguarding are effective July 1, 2023.

§ 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 consumer terminates service

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 consumer terminates the fuel delivery service. 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).

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 a state and national criminal history records check. The bill maintains current law's requirement that the person give details on the conviction but eliminates the requirement that they pay a waivable processing fee of up to \$15. 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 (unless there is also a change in the level or type of services). 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, with exceptions, 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. The bill allows exceptions to this requirement if:

1. the client, his or her authorized representative, or someone else living with the client or with access to his or her home verbally or physically abused, threatened, or otherwise mistreated an agency employee;
2. providing homemaker or companion services would place the agency at risk of failing to comply with an applicable local, state, or federal law (e.g., antidiscrimination, employment, health, or occupational safety laws); or
3. the client failed to pay for homemaker or companion services as required under the written contract or service plan.

Consequently, in these circumstances, the agency can stop providing services without giving the 10 days' notice the bill otherwise requires.

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 — PENDING ACTIONS AND THE FREEDOM OF INFORMATION ACT

Exempts from disclosure under the Freedom of Information Act records related to pending enforcement actions or investigations

The bill 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).

§§ 30 & 31 — CHARITABLE ORGANIZATIONS AUDIT REQUIREMENT

Raises the revenue threshold above which a registered charitable organization must submit to a formal audit, while allowing smaller organizations to instead submit to a CPA's financial "review report"

Currently, under the Connecticut Solicitation of Charitable Funds Act, charitable organizations with more than \$500,000 in annual gross revenue must include a CPA's audit report in the annual financial report they submit as part of the DCP registration process. Under the bill, beginning with annual reports due after July 1, 2023:

1. organizations with over \$1 million in gross revenue must only attest in their annual report that the organization was subject to a CPA's audit and
2. organizations with gross revenues over \$500,000 and not exceeding \$1 million can instead attest that they were subject to a CPA's financial review report.

§ 32 — CONSUMER PRIVACY AND SAFEGUARDING REQUIREMENTS

Makes changes to SB 1058, as amended by Senate Amendment "A," § 5, further modifying the penalty and enforcement mechanism for personal information safeguarding requirements

Existing law requires people in possession of certain types of personal information to (1) safeguard the data, and computer files and documents containing it, from misuse by third parties and (2) destroy, erase, or make the data, computer files, and documents unreadable before disposing of them. These safeguarding requirements apply to information associated with a particular individual through one or more identifiers (e.g., Social Security numbers, driver's license numbers, state identification card numbers, account numbers, debit or credit card numbers, passport numbers, alien registration numbers, health insurance identification numbers, or any military identification information).

The bill changes the penalty and, in some cases, the enforcement mechanism for these safeguarding requirements. Currently, violators are subject to a \$500 civil penalty for each violation, up to \$500,000 for a single event, and penalties only apply if the violation was intentional. The bill instead makes a violation an unfair trade practice under CUTPA. Among other things, CUTPA allows the DCP commissioner to investigate complaints, issue cease and desist orders, and order restitution in certain cases. While individuals generally can sue under CUTPA, the bill specifies that it does not create a private right of action and disallows individuals and classes from suing under it. Under CUTPA, 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 restraining order violations (CGS § 42-110a et seq., see BACKGROUND).

The bill additionally allows DCP to conduct an administrative hearing and impose a civil penalty of up to \$5,000 per violation.

Under current law, DCP enforces safeguarding requirements, unless the person possessing data is supervised by another state agency under a license, registration, or certificate. In that case, the other state agency enforces them. The bill exempts the attorney general's actions from these provisions. Additionally, it allows, rather than requires, civil penalties to be deposited into the privacy protection guaranty and enforcement account.

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), as amended by Senate Amendment "A" and passed by the Senate, makes various changes to the homemaker-companion laws, including (1) requiring DCP to revoke a homemaker-companion agency's registration if it violates certain statutory

requirements frequently, (2) specifying how agencies may market their services and requiring them to include certain information in their client contracts or service plans, and (3) requiring the Office of Policy and Management to develop a plan to transition oversight of these agencies to the Department of Public Health.

sSB 1058 (Files 204 and 676), as amended by Senate Amendment “A” and passed by the Senate, contains identical provisions on charitable organizations’ financial statements (§§ 16 & 17) and related provisions on consumer privacy data safeguarding (§ 5).

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)