



General Assembly

Amendment

January Session, 2023

LCO No. 8002



Offered by:
REP. D'AGOSTINO, 91st Dist.

To: Subst. House Bill No. 6767

File No. 229

Cal. No. 167

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

1 Strike section 2 in its entirety and substitute the following in lieu
2 thereof:

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 Section 16a-21 of the general statutes is repealed and the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

5 (a) (1) (A) No heating fuel dealer shall sell heating fuel or rent or lease
6 a heating fuel tank without a written contract that contains all [the]
7 terms and conditions for delivery of such heating fuel and the amount
8 of fees, charges, surcharges or penalties allowed under this section and
9 assessed to the consumer under such contract. No such contract shall
10 contain any fees, charges, surcharges or penalties, except for those
11 allowed pursuant to subsections (e), (f) and (g) of this section and for
12 tank rental fees or liquidated damages for violation of the contract
13 terms. No contract for the delivery of heating fuel under this subsection

14 shall include a provision for liquidated damages for a consumer breach
15 of such contract where the liquidated damages exceed the actual
16 damages to the heating fuel dealer caused by such breach. No written
17 contract period for heating fuel shall be for a term [greater] longer than
18 thirty-six months. Each heating fuel dealer shall offer consumers the
19 option to enter into a bona fide commercially reasonable contract for a
20 term of eighteen months. A consumer and a heating fuel dealer may
21 agree to enter into a bona fide commercially reasonable contract for a
22 term of less than eighteen months. Longer fuel contract term lengths
23 may be permitted for underground tank consumers, provided the fuel
24 term agreements are concurrent with tank lease agreements as specified
25 in subdivision (2) of this subsection. No provision in a contract that
26 restricts a consumer's ability to utilize another propane fuel provider
27 shall be valid or enforceable unless the consumer has initialed a clear
28 and conspicuous statement in all capital letters [of no less than] in at
29 least twelve-point boldface type indicating that the consumer is aware
30 of such restriction.

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

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

48 lessee and a lessor may agree to enter into a bona fide commercially
49 reasonable contract for a term of less than eighteen months. No contract
50 for a tank installed underground shall exceed five years.

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

73 (B) If a tank installed above ground is provided to a consumer, a
74 contract for such tank shall contain a clause providing the consumer
75 with the option to purchase a new tank and associated equipment at a
76 price not exceeding a commercially reasonable price at any time during
77 the length of the contract. The purchase price for the tank, associated
78 equipment and associated installation charges shall be disclosed in the
79 contract and not increase before the contract expires. Any waiver of
80 liability or transfer of warranty shall be stated in the contract. No
81 contract for such tank shall be valid or enforceable unless the consumer

82 has initialed a clear and conspicuous statement in all capital letters [of
83 no less than] in at least twelve-point boldface type, indicating that the
84 consumer is aware of such option to purchase a new tank and associated
85 equipment. Upon purchase of the tank and any associated equipment,
86 any existing contract obligations pursuant to subdivisions (1) and (2) of
87 this subsection shall terminate immediately, except for guaranteed price
88 plans pursuant to chapter 296a.

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

95 (5) A written contract for the sale of heating fuel or lease of equipment
96 that calls for an automatic renewal of the contract is not valid unless
97 such contract complies with the provisions of this section, section 42-
98 126b and chapter 296a.

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

105 (7) The requirement that contracts be in writing pursuant to this
106 section shall not apply to agreements that are solely automatic delivery
107 where: (A) The consumer may terminate automatic delivery at any time
108 and where no fee, charge, surcharge or penalty is assessed for
109 termination; [J] and (B) the dealer providing automatic delivery
110 provides written notice to the consumer the dealer serves under
111 automatic delivery of the method for the termination of automatic
112 delivery, as specified in this subdivision. Such written notice shall be
113 included with each invoice for products subject to automatic delivery.

114 Notice from a consumer to a dealer requesting termination of automatic
115 delivery may be delivered to the dealer by (i) a written request by the
116 consumer delivered by certified mail to the dealer, (ii) electronic mail
117 sent from the consumer to a valid electronic mail address of the dealer,
118 or (iii) electronic facsimile by the consumer to be sent to a valid facsimile
119 number at the dealer's place of business. The consumer shall give notice
120 at least one day prior to the day upon which the consumer desires to
121 terminate automatic delivery. The consumer shall not be responsible for
122 payment of deliveries made by the dealer after such notice has been
123 given, except for deliveries made within one business day after such
124 notice has been given and which were scheduled for delivery by the
125 dealer prior to such notice being given, provided consideration shall be
126 given for weekend and holiday closings or extenuating circumstances
127 not under the control of the dealer.

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

135 (c) The requirement that contracts be in writing as set forth in this
136 section may be satisfied pursuant to the provisions of: (1) The
137 Connecticut Uniform Electronic Transactions Act, sections 1-266 to 1-
138 286, inclusive; (2) sections 42a-7-101 to 42a-7-106, inclusive; or (3)
139 the Electronic Signatures in Global and National Commerce Act, 15 USC
140 7001 et seq. Except as provided in subsection (d) of this section, verbal
141 telephonic communications shall not satisfy the writing requirement of
142 this section.

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

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

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

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

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

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

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

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

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

- 176 (1) The heating fuel delivery is less than one hundred gallons;
- 177 (2) The heating fuel delivery is made outside the normal service area
178 of the dealer;
- 179 (3) The heating fuel delivery is made outside the normal business
180 hours of the dealer; or
- 181 (4) The dealer incurs extraordinary labor costs for the heating fuel
182 delivery.
- 183 (h) Except for the underground tank addendum required pursuant to
184 subdivision (3) of subsection (a) of this section, the provisions of this
185 section shall not apply to existing customers of a heating fuel dealer on
186 July 1, 2013, who have valid written contracts on said date. The
187 provisions of this section shall apply as of the renewal or expiration
188 dates of such contracts.
- 189 (i) A consumer shall have the right to cancel [his or her] the
190 consumer's relationship with a heating fuel dealer without penalty for
191 an above-ground tank that is lent or leased if such relationship is based
192 upon either an oral agreement or a course of dealing. No tank removal
193 charge or forfeiture of unused heating fuel shall be permitted if a
194 consumer cancels such relationship. The consumer shall be entitled to a
195 refund of all unused heating fuel at the same price at which the
196 consumer purchased such heating fuel.
- 197 (j) The Commissioner of Consumer Protection may adopt regulations
198 pursuant to chapter 54 to: (1) Establish a consumer bill of rights
199 regarding home heating dealers; [] (2) require heating fuel dealers to
200 provide consumers with such consumer bill of rights prior to entering
201 into a contract; [] and (3) permit home heating dealers to post such
202 consumer bill of rights on their Internet web sites or record and play
203 back such consumer bill of rights when consumers call the offices of
204 such heating fuel dealers.
- 205 (k) A violation of the provisions of this section shall be an unfair trade

206 practice under subsection (a) of section 42-110b.

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

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

218 Strike section 3 in its entirety and substitute the following in lieu
219 thereof:

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

223 (b) (1) Any individual who has been convicted of any criminal offense
224 may request, at any time, that the [board] Department of Consumer
225 Protection determine whether such individual's criminal conviction
226 disqualifies [the] such individual from obtaining a certificate or license
227 issued or conferred [by the board] pursuant to this chapter based on (A)
228 the nature of the conviction and its relationship to [the] such
229 individual's ability to safely or competently perform the duties or
230 responsibilities associated with such certificate or license, (B)
231 information pertaining to the degree of rehabilitation of [the] such
232 individual, and (C) the time elapsed since the conviction or release of
233 [the] such individual.

234 (2) An individual making [such] a request under subdivision (1) of
235 this subsection shall [include (A)] make such request on a form, and in
236 a manner, prescribed by the Commissioner of Consumer Protection,

237 which form shall require the individual to (A) submit to state and
238 national criminal history records checks conducted in accordance with
239 section 29-17a, and (B) provide details of the individual's criminal
240 conviction. [, and (B) any payment required by the board. The board
241 may charge a fee of not more than fifteen dollars for each request made
242 under this subsection. The board may waive such fee.]

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

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

254 Strike section 4 in its entirety and substitute the following in lieu
255 thereof:

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

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

269 [the] such individual.

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

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

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

291 Strike section 6 in its entirety and substitute the following in lieu
292 thereof:

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

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

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

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

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

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

328 Strike section 8 in its entirety and substitute the following in lieu
329 thereof:

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

332 *passage*):

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

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

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

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

364 individual's determination request made under this subsection."

365 Strike section 17 in its entirety and substitute the following in lieu
366 thereof:

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

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

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

386 [(2)] (3) Not later than thirty days after receiving a complete request
387 under subdivisions (1) and (2) of this subsection, the [commissioner]
388 department shall inform the individual making such request whether,
389 based on the criminal record information submitted, such individual is
390 disqualified from receiving or holding a [license or] certificate or license
391 issued pursuant to this section.

392 [(3)] (4) The [commissioner] department is not bound by a
393 determination made under this section [,] if, upon further investigation,
394 the [commissioner] department determines that the individual's

395 criminal conviction differs from the information presented in [the] such
396 individual's determination request made under this subsection."

397 Strike section 18 in its entirety and substitute the following in lieu
398 thereof:

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

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

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

418 (c) In addition to any other remedy provided for in sections 20-670 to
419 20-676, inclusive, any person who violates any provision of subsection
420 (b) of this section shall be fined not more than one thousand dollars or
421 imprisoned not more than six months, or both.

422 (d) Certificates issued to a homemaker-companion agency shall not
423 be transferable or assignable. Prior to any sale or change in ownership
424 of a registered homemaker-companion agency, each proposed new
425 individual owner, or, if a proposed new owner is a business entity, the

426 individual owners of such business entity, shall submit to state and
427 national criminal history records checks as required under section 20-
428 672, unless:

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

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

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

443 (e) All certificates issued under the provisions of sections 20-670 to
444 20-680, inclusive, shall expire annually. The fee for renewal of a
445 certificate shall be the same as the fee charged for an original application
446 pursuant to section 20-672. Fees collected pursuant to the issuance of a
447 certificate or renewal of a certificate shall be deposited in the General
448 Fund.

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

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

457 contact such homemaker-companion agency to obtain additional
458 information.

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

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

483 Strike section 19 in its entirety and substitute the following in lieu
484 thereof:

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

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

489 services, or such person's authorized representative, the full legal name
490 of the employee who will provide such services. The homemaker-
491 companion agency shall make such disclosure to such person, or such
492 person's authorized representative, before such employee enters such
493 person's home.

494 [(a)] (b) Not later than seven calendar days after the date on which a
495 homemaker-companion agency commences providing homemaker
496 services or companion services, such agency shall provide the person
497 who receives [the] such services, or the authorized representative of
498 such person, with a written contract or service plan that prescribes the
499 anticipated scope, type, frequency, duration and cost of [the] such
500 services. [provided by the agency.] In addition, any contract or service
501 plan provided by a homemaker-companion agency to a person
502 receiving homemaker services or companion services shall also provide
503 conspicuous notice, in boldface type, disclosing (1) [of] the person's
504 right to request changes to, or review of, the contract or service plan, (2)
505 [of] that such agency shall provide at least sixty days' advance written
506 notice to such person or such person's authorized representative
507 disclosing any change in the rate for the same level or type of services
508 provided and charged for such services, (3) the employees of such
509 agency who, pursuant to section 20-678 are required to submit to a
510 comprehensive background check, [(3)] (4) that upon the request of such
511 person or an authorized representative of such person, such agency
512 shall provide such person or representative of such person with written
513 notice that a comprehensive background check, as required pursuant to
514 section 20-678, was performed for all employees of such agency
515 performing homemaker services or companion services for such person,
516 [(4)] (5) that such agency's records are available for inspection or audit
517 by the Department of Consumer Protection, [(5)] (6) that the agency is
518 not able to guarantee the extent to which its homemaker services or
519 companion services will be covered under any insurance plan, and [(6)]
520 (7) that such contract or service plan may be cancelled at any time by the
521 client if such contract or service plan does not contain a specific period
522 of duration. No contract or service plan for the provision of homemaker

523 or companion services shall be valid against the person who receives the
524 services or the authorized representative of such person, unless the
525 contract or service plan has been signed by a duly authorized
526 representative of the homemaker-companion agency and the person
527 who receives the services or the authorized representative of such
528 person. No change in the rate for the same level or type of services
529 provided and charged for homemaker services or companion services
530 shall be valid against a person who is receiving such services unless the
531 homemaker-companion agency providing such services provides at
532 least sixty days' advance written notice to such person, or such person's
533 authorized representative, disclosing such rate change. The
534 requirements of this section shall not apply to homemaker services or
535 companion services provided under the Connecticut home-care
536 program for the elderly administered by the Department of Social
537 Services in accordance with section 17b-342. A written contract or
538 service plan between a homemaker-companion agency and a person
539 receiving services or the authorized representative of such person shall
540 not be enforceable against such person receiving services or authorized
541 representative unless such written contract or service plan contains all
542 of the requirements of this section.

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

550 After the last section, add the following and renumber sections and
551 internal references accordingly:

552 "Sec. 501. Subsection (b) of section 21a-190c of the general statutes is
553 repealed and the following is substituted in lieu thereof (*Effective from*
554 *passage*):

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

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

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

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

576 Sec. 502. Subsection (a) of section 21a-190b of the general statutes is
577 repealed and the following is substituted in lieu thereof (*Effective from*
578 *passage*):

579 (a) Every charitable organization not exempted by section 21a-190d
580 shall annually register with the department prior to conducting any
581 solicitation or prior to having any solicitation conducted on its behalf by
582 others. Application for registration shall be in a form prescribed by the
583 commissioner and shall include a nonrefundable application fee of fifty
584 dollars. Such application shall include: (1) A registration statement, (2)
585 an annual financial report for such organization for the preceding fiscal
586 year that is prepared in accordance with the provisions of subsection (a)

587 of section 21a-190c, as amended by this act, and (3) an audited or
588 reviewed financial statement as required by subsection (b) of section
589 21a-190c, as amended by this act. An authorized officer of the
590 organization shall certify that the statements therein are true and correct
591 to the best of their knowledge. A chapter, branch or affiliate in this state
592 of a registered parent organization shall not be required to register
593 provided the parent organization files a consolidated annual
594 registration for itself and its chapter, branch or affiliate. Each charitable
595 organization shall annually renew its registration not later than eleven
596 months after the end of such organization's fiscal year.

597 Sec. 503. Subsections (d) to (h), inclusive, of section 42-471 of the
598 general statutes, as amended by section 5 of substitute senate bill 1058
599 of the current session, as amended by Senate Amendment Schedule "A",
600 are repealed and the following is substituted in lieu thereof (*Effective July*
601 *1, 2023*):

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

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

610 [(e) Any person or entity that violates the provisions of this section
611 shall be subject to a civil penalty of five hundred dollars for each
612 violation, provided such civil penalty shall not exceed five hundred
613 thousand dollars for any single event. It shall not be a violation of this
614 section if such violation was unintentional. A violation of this section
615 shall constitute an unfair trade practice under subsection (a) of section
616 42-110b, provided the provisions of section 42-110g shall not apply to
617 such violation. Nothing in this section shall be construed to create a
618 private right of action.]

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

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

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

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

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

This act shall take effect as follows and shall amend the following sections:		
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. 6	<i>from passage</i>	20-334(d)
Sec. 8	<i>from passage</i>	20-341gg(d)
Sec. 17	<i>from passage</i>	20-540(m)
Sec. 18	<i>October 1, 2023</i>	20-677
Sec. 19	<i>October 1, 2023</i>	20-679
Sec. 501	<i>from passage</i>	21a-190c(b)
Sec. 502	<i>from passage</i>	21a-190b(a)
Sec. 503	<i>July 1, 2023</i>	42-471(d) to (h)