House of Representatives

General Assembly

File No. 103

February Session, 2024

Substitute House Bill No. 5236

House of Representatives, March 25, 2024

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

AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING CONSUMER PROTECTION AND PROFESSIONAL LICENSING, CERTIFICATION, PERMITTING AND REGISTRATION.

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

Section 1. Subsection (a) of section 20-426 of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The commissioner may revoke, suspend or refuse to issue or renew any certificate of registration as a home improvement contractor or salesperson or place a registrant on probation or issue a letter of reprimand (1) for conduct of a character likely to mislead, deceive or defraud the public or the commissioner, (2) for engaging in any untruthful or misleading advertising, (3) for failing to reimburse the guaranty fund established pursuant to section 20-432, as amended by this act, for any moneys paid to an owner pursuant to subsection **[**(o)**]** (p) of section 20-432, as amended by this act, (4) for engaging in or

practicing home improvement work without a contract containing the provisions required under section 20-429, (5) for unfair or deceptive business practices, **[**(5)**]** (6) subject to section 46a-80, based on a felony conviction of an individual registrant or an individual owner of a registrant that is a business entity, **[**;**]** or **[**(6)**]** (7) for violation of any of the provisions of the general statutes relating to home improvements or any regulation adopted pursuant to any of such provisions. The commissioner may refuse to issue or renew any certificate of registration as a home improvement contractor or salesperson of any person subject to the registration requirements of chapter 969.

Sec. 2. Section 20-432 of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The commissioner shall establish and maintain the Home Improvement Guaranty Fund.

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

(c) Payments received under subsection (b) of this section shall be credited to the guaranty fund until the balance in such fund equals seven hundred fifty thousand dollars. Annually, if the balance in the fund exceeds seven hundred fifty thousand dollars, the first four hundred thousand dollars of the excess shall be deposited into the consumer protection enforcement account established in section 21a-8a.

Any excess thereafter shall be deposited in the General Fund. Any money in the guaranty fund may be invested or reinvested in the same manner as funds of the state employees retirement system, and the interest arising from such investments shall be credited to the guaranty fund.

(d) Whenever an owner obtains a binding arbitration decision, a court judgment, order or decree against any contractor holding a certificate or who has held a certificate under this chapter within two years of the effective date of entering into the contract with the owner, or during such period against any individual who has an ownership interest in such contractor if such contractor is a business entity, for loss or damages sustained by reason of performance of or offering to perform a home improvement within this state by a contractor holding a certificate under this chapter, such owner may, upon the final determination of, or expiration of time for, taking an appeal in connection with any such decision, judgment, order or decree, apply to the commissioner for an order directing payment out of said guaranty fund of the amount unpaid upon the decision, judgment, order or decree, for actual damages and costs taxed by the court against the contractor or individual who has an ownership interest in the contractor, exclusive of punitive damages. The application shall be made on forms provided by the commissioner and shall be accompanied by a copy of the decision, court judgment, order or decree obtained against the contractor or individual who has an ownership interest in the contractor. No application for an order directing payment out of the guaranty fund shall be made later than two years after the final determination of, or expiration of time for, taking an appeal of said decision, court judgment, order or decree.

(e) Upon receipt of said application together with said copy of the decision, court judgment, order or decree, and true and attested copy of the executing officer's return, the commissioner or [his] the commissioner's designee shall inspect such documents for their veracity and upon a determination that such documents are complete and authentic, and a determination that the owner has not been paid, the

commissioner shall order payment out of the guaranty fund of the amount unpaid upon the decision, judgment, order or decree for actual damages and costs taxed by the court against the contractor or, if the contractor is a business entity, an individual who has an ownership interest in the business entity, exclusive of punitive damages.

(f) Whenever an owner is awarded an order of restitution against any contractor or, if the contractor is a business entity, any individual who has an ownership interest in such contractor for loss or damages sustained by reason of performance of or offering to perform a home improvement in this state by a contractor holding a certificate or who has held a certificate under this chapter within two years of the date of entering into the contract with the owner, in a proceeding brought by the commissioner pursuant to this section or subsection (d) of section 42-110d, as amended by this act, or in a proceeding brought by the Attorney General pursuant to subsection (a) of section 42-110m or subsection (d) of section 42-110d, as amended by this act, or a criminal proceeding pursuant to section 20-427, such owner may, upon the final determination of, or expiration of time for, taking an appeal in connection with any such order of restitution, apply to the commissioner for an order directing payment out of said guaranty fund of the amount unpaid upon the order of restitution. The commissioner may issue said order upon a determination that the owner has not been paid.

(g) Whenever the commissioner orders payment to an owner out of the guaranty fund based upon a decision, court judgment, order or decree of restitution against any individual who has been found to have violated any provision of chapter 399a and has an ownership interest in a business entity holding a certificate or that has held a certificate under this chapter within two years of the effective date of entering into the contract with the owner, such individual and the business entity that holds or held such certificate shall be jointly and severally liable for the resulting debt to the guaranty fund.

[(g)**]** (h) Before the commissioner may issue any order directing

payment out of the guaranty fund to an owner pursuant to subsection (e) or (f) of this section, the commissioner shall first notify the contractor of the owner's application for an order directing payment out of the guaranty fund and of the contractor's right to a hearing to contest the disbursement in the event that the contractor has already paid the owner or is complying with a payment schedule in accordance with a court judgment, order or decree. Such notice shall be given to the contractor not later than fifteen days after receipt by the commissioner of the owner's application for an order directing payment out of the guaranty fund. If the contractor requests a hearing, in writing, by certified mail not later than fifteen days after receiving the notice from the commissioner, the commissioner shall grant such request and shall conduct a hearing in accordance with the provisions of chapter 54. If the commissioner does not receive a request by certified mail from the contractor for a hearing not later than fifteen days after the contractor's receipt of such notice, the commissioner shall determine that the owner has not been paid, and the commissioner shall issue an order directing payment out of the guaranty fund for the amount unpaid upon the judgment, order or decree for actual damages and costs taxed by the court against the contractor or individual who has an ownership interest in the contractor, exclusive of punitive damages, or for the amount unpaid upon the order of restitution.

[(h)**]** (i) The commissioner or **[**his**]** the commissioner's designee may proceed against any contractor holding a certificate or who has held a certificate under this chapter within the past two years of the effective date of entering into the contract with the owner, for an order of restitution arising from loss or damages sustained by any person by reason of such contractor's performance of or offering to perform a home improvement in this state. Any such proceeding shall be held in accordance with the provisions of chapter 54. In the course of such proceeding, the commissioner or **[**his**]** the commissioner's designee shall decide whether to exercise **[**his**]** the commissioner's powers pursuant to section 20-426, as amended by this act; whether to order restitution arising from loss or damages sustained by any person by reason of such contractor's performance or offering to perform a home improvement in

this state; and whether to order payment out of the guaranty fund. Notwithstanding the provisions of chapter 54, the decision of the commissioner or **[**his**]** the commissioner's designee shall be final with respect to any proceeding to order payment out of the guaranty fund and the commissioner and **[**his**]** the commissioner's designee shall not be subject to the requirements of chapter 54 as they relate to appeal from any such decision. The commissioner or **[**his**]** the commissioner's designee may hear complaints of all owners submitting claims against a single contractor in one proceeding.

[(i)**]** (j) No application for an order directing payment out of the guaranty fund shall be made later than two years from the final determination of, or expiration of time for, appeal in connection with any decision, judgment, order or decree of restitution.

[(j)**]** (k) Whenever the owner satisfies the commissioner or **[**his**]** the commissioner's designee that it is not practicable to comply with the requirements of subsection (d) of this section and that the owner has taken all reasonable steps to collect the amount of the decision, judgment, order or decree or the unsatisfied part thereof and has been unable to collect the same, the commissioner or **[**his**]** the commissioner's designee may, in **[**his**]** the commissioner's or such designee's discretion, dispense with the necessity for complying with such requirement.

[(k)**]** (l) In order to preserve the integrity of the guaranty fund, the commissioner, in the commissioner's sole discretion, may order payment out of said fund of an amount less than the actual loss or damages incurred by the owner or less than the order of restitution awarded by the commissioner or the Superior Court. In no event shall any payment out of said guaranty fund be in excess of twenty-five thousand dollars for any single claim by an owner.

[(l)**]** (m) If the money deposited in the guaranty fund is insufficient to satisfy any duly authorized claim or portion thereof, the commissioner shall, when sufficient money has been deposited in the fund, satisfy such unpaid claims or portions thereof, in the order that such claims or portions thereof were originally determined.

[(m)**]** (n) Whenever the commissioner has caused any sum to be paid from the guaranty fund to an owner, the commissioner shall be subrogated to all of the rights of the owner up to the amount paid plus reasonable interest, and prior to receipt of any payment from the guaranty fund, the owner shall assign all of this right, title and interest in the claim up to such amount to the commissioner, and any amount and interest recovered by the commissioner on the claim shall be deposited to the guaranty fund.

[(n)**]** (o) If the commissioner orders the payment of any amount as a result of a claim against a contractor, the commissioner shall determine if the contractor is possessed of assets liable to be sold or applied in satisfaction of the claim on the guaranty fund. If the commissioner discovers any such assets, **[**he**]** the commissioner may request that the Attorney General take any action necessary for the reimbursement of the guaranty fund.

[(o)**]** (p) If the commissioner orders the payment of an amount as a result of a claim against a contractor, the commissioner may, after notice and hearing in accordance with the provisions of chapter 54, revoke the certificate of the contractor and the contractor shall not be eligible to receive a new or renewed certificate until **[**he**]** the contractor has repaid such amount in full, plus interest from the time said payment is made from the guaranty fund, at a rate to be in accordance with section 37-3b, except that the commissioner may, in **[**his**]** the commissioner's sole discretion, permit a contractor to receive a new or renewed certificate after that contractor has entered into an agreement with the commissioner whereby the contractor agrees to repay the guaranty fund in full in the form of periodic payments over a set period of time. Any such agreement shall include a provision providing for the summary suspension of any and all certificates held by the contractor if payment is not made in accordance with the terms of the agreement.

Sec. 3. Section 20-500 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in this section and sections 20-501 to 20-529e, inclusive, as

amended by this act, and section 4 of this act, unless the context otherwise requires:

(1) "Appraisal" means the practice of developing, in conformance with the USPAP, an opinion of the value of real property.

(2) "Appraisal Foundation" means the not-for-profit corporation referred to in Section 1121 of Title XI of FIRREA.

(3) "Appraisal management company" means any person, association, corporation, limited liability company or partnership that performs appraisal management services, but does not include:

(A) An appraiser that enters into an oral or written agreement with another appraiser for the performance of an appraisal, which is signed by both appraisers upon completion;

[(B) An appraisal management company that is a subsidiary owned and controlled by a financial institution regulated by a federal financial institution regulatory agency;**]**

[(C)**]** (B) A department or division of an entity that provides appraisal management services exclusively to such entity; or

[(D)**]** (C) Any local, state or federal agency or department thereof.

(4) "Appraisal management services" means:

(A) The administration of an appraiser panel;

(B) The recruitment of certified appraisers to be part of an appraiser panel, including, but not limited to, the negotiation of fees to be paid to, and services to be provided by, the certified appraisers for their participation on the appraiser panel; or

(C) The receipt of an appraisal request or order, or an appraisal review request or order, and the delivery of such request or order to an appraiser panel.

(5) "Appraiser panel" means a network of appraisers who are certified in accordance with the requirements established by the commission by regulation, are independent contractors of an appraisal management company and have:

(A) Responded to an invitation, request or solicitation from an appraisal management company to perform appraisals (i) requested or ordered through the appraisal management company, or (ii) directly for the appraisal management company on a periodic basis as assigned by such appraisal management company; and

(B) Been selected and approved by the appraisal management company.

(6) "Bank" has the same meaning as provided in section 36a-2.

(7) "Certified appraiser" means a person who has satisfied the minimum requirements for a category of certification established by the commission by regulation. Such minimum requirements shall be consistent with guidelines established by the Appraisal Qualification Board of the Appraisal Foundation. The categories of certification shall include one category denoted as "certified residential appraiser" and another denoted as "certified general appraiser". The commission may modify such categories of certification.

(8) "Commission" means the Connecticut Real Estate Appraisal Commission appointed under the provisions of section 20-502.

(9) "Commissioner" means the Commissioner of Consumer Protection.

(10) "Compliance manager" means a person who holds an appraiser certification in at least one state and is responsible for overseeing the implementation of, and compliance with, procedures for an appraisal management company to:

(A) Verify that a person being added to the appraiser panel of the appraisal management company holds a license in good standing in

accordance with section 20-509;

(B) Maintain detailed records of each appraisal request or order the appraisal management company receives and of the appraiser who performs such appraisal; and

(C) Review on a periodic basis the work of all appraisers performing appraisals for the appraisal management company to ensure that such appraisals are being conducted in accordance with the USPAP.

(11) "Controlling person" means a person who has not had an appraiser license, similar license or appraiser certificate denied, refused renewal, suspended or revoked in any state and:

(A) Is a director, officer or owner of an association, corporation, limited liability company or partnership offering or seeking to offer appraisal management services in this state;

(B) Is employed by an appraisal management company and has the authority to enter into agreements or contracts for the performance of appraisal management services or appraisals, or is appointed or authorized by such appraisal management company to enter into such agreements or contracts; or

(C) May exercise authority over, or direct the management or policies of, an appraisal management company.

(12) "Engaging in the real estate appraisal business" means the act or process of estimating the value of real estate for a fee or other valuable consideration.

(13) "Federally regulated appraisal management company" means an appraisal management company that is owned and controlled by an insured depository institution, as defined in 12 USC 1813, as amended from time to time, and regulated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System or the Federal Deposit Insurance Corporation.

[(13)**]** (14) "Financial institution" means a bank, out-of-state bank or institutional lender, an affiliate or subsidiary of a bank, out-of-state bank or institutional lender or another lender licensed by the Department of Banking.

[(14)**]** (15) "FIRREA" means the Financial Institutions, Reform, Recovery and Enforcement Act of 1989, P.L. 101-73, 103 Stat. 183, as amended from time to time.

[(15)**]** (16) "Out-of-state bank" has the same meaning as provided in section 36a-2.

[(16)**]** (17) "Person" means an individual.

[(17)**]** (18) "Provisional appraiser" means a person engaged in the business of estimating the value of real estate for a fee or other valuable consideration under the supervision of a certified real estate appraiser and who meets the minimum requirements, if any, established by the commission by regulation for provisional appraiser status.

[(18)**]** (19) "Provisional license" means a license issued to a provisional appraiser.

[(19)**]** (20) "Real estate appraiser" or "appraiser" means a person engaged in the business of estimating the value of real estate for a fee or other valuable consideration.

[(20)**]** (21) "USPAP" means the Uniform Standards of Professional Appraisal Practice issued by the Appraisal Standards Board of the Appraisal Foundation pursuant to Title XI of FIRREA.

Sec. 4. (NEW) (*Effective from passage*) (a) No federally regulated appraisal management company shall be required to register with the Department of Consumer Protection.

(b) A federally regulated appraisal management company shall report to the Department of Consumer Protection, in a form and manner prescribed by the department, such information as the Commissioner of

Consumer Protection is required to submit to the appraisal subcommittee of the Federal Financial Institutions Examination Council pursuant to Title XI of FIRREA, any regulation promulgated thereunder or any policy or rule established by said subcommittee.

(c) A federally regulated appraisal management company shall pay to the Commissioner of Consumer Protection an annual registry fee in an amount determined by the appraisal subcommittee of the Federal Financial Institutions Examination Council in accordance with federal law. The commissioner shall transmit the annual registry fee to the appropriate federal regulatory entity in accordance with Title XI of FIRREA, any regulation promulgated thereunder or any policy or rule established by said subcommittee.

Sec. 5. Subsection (a) of section 20-523 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any person who engages in the real estate appraisal business without obtaining a certification or provisional license, as the case may be, as provided in sections 20-500 to 20-528, inclusive, as amended by this act, shall be: **[**fined**]** (1) Fined not more than one thousand dollars or imprisoned not more than six months or both; **[**,**]** (2) subject to civil penalties after an administrative hearing conducted by the Commissioner of Consumer Protection, or the commissioner's designee, in accordance with the provisions of chapter 54; and **[**shall be**]** (3) ineligible to obtain a certification or provisional license for one year from the date of conviction of such offense or the final decision rendered by the commissioner or the commissioner's designee after an administrative hearing, except the commission, in its discretion, may grant a certification or provisional license, as the case may be, to such person within such one-year period upon application and after a hearing on such application.

Sec. 6. Subsections (a) and (b) of section 20-529 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No appraisal management company, [shall] other than a federally regulated appraisal management company, shall, without first obtaining a registration from the Department of Consumer Protection, (1) engage or attempt to engage in business as an appraisal management company in this state; (2) perform or attempt to perform appraisal management services in this state; or (3) advertise or hold itself out as engaging in business as an appraisal management company in this state. [without first registering with the Department of Consumer Protection.]

(b) Each appraisal management company, other than a federally regulated appraisal management company, shall apply to the Commissioner of Consumer Protection, in writing, on a form provided by the commissioner. The application shall include (1) the company's name, business address and telephone number; (2) if such company is domiciled in another state, the name, address and telephone number of the company's agent for service of process in this state, and the Uniform Consent to Service of Process form to be completed by the company; (3) the name, address and telephone number of any person or business entity owning an equity interest, or the equivalent, of the company; (4) a certification by the company that no person or business entity named in subdivision (3) of this subsection has had an appraiser license or certificate denied, refused to be renewed, suspended or revoked in any state; (5) the name, address and telephone number of a controlling person of the company who will serve as the main contact for communications between the commissioner and the appraisal management company; (6) the name, address and telephone number of a compliance manager of the company; and (7) any other information the commissioner may require. Each such application shall be accompanied by a fee of one thousand dollars.

Sec. 7. Section 20-529a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each appraisal management company, other than a federally regulated appraisal management company, shall certify annually to the commissioner that [it] such appraisal management company maintains

a detailed record of each appraisal request or order **[**it**]** such appraisal management company receives and of the appraiser who performs such appraisal.

(b) Each appraisal management company, other than a federally regulated appraisal management company, may audit the appraisals completed by appraisers on its appraiser panel to ensure that such appraisals are being performed in accordance with the USPAP.

(c) Each appraisal management company, other than a federally regulated appraisal management company, shall disclose to a client prior to providing, or along with, the appraisal report (1) the dollar amount of the total compensation to be paid by such company to the appraiser who performed the appraisal; and (2) the dollar amount of the total compensation to be retained by such company from the appraisal fee paid to such company for such appraisal.

(d) No appraisal management company, other than a federally regulated appraisal management company, shall prohibit or attempt to prohibit an appraiser from including or referencing in an appraisal report the appraisal fee, the name of the appraisal management company or the client's or lender's name or identity.

Sec. 8. Subsections (c) to (e), inclusive, of section 20-529b of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Except in cases of breach of contract or substandard performance of services or where the parties have mutually agreed upon an alternate payment schedule in writing, each appraisal management company, other than a federally regulated appraisal management company, operating in this state shall make payment to an appraiser for the completion of an appraisal or valuation assignment not later than forty-five days after the date on which such appraiser transmits or otherwise provides the completed appraisal or valuation study to the appraisal management company or its assignee.

(d) No employee, owner, controlling person, director, officer or agent of an appraisal management company that is not a federally regulated appraisal management company shall intentionally influence, coerce or encourage or attempt to influence, coerce or encourage, an appraiser to misstate or misrepresent the value of a subject property, by any means, including:

(1) Withholding or threatening to withhold timely payment for an appraisal;

(2) Withholding or threatening to withhold business from, or demoting, terminating or threatening to demote or terminate, an appraiser;

(3) Expressly or impliedly promising future business, promotion or increased compensation to an appraiser;

(4) Conditioning an appraisal request or payment of a fee, salary or bonus on the opinion, preliminary estimate, conclusion or valuation to be reached by the appraiser;

(5) Requesting that an appraiser provide a predetermined or desired valuation in an appraisal report or estimated values or comparable sales at any time prior to the completion of an appraisal;

(6) Providing to an appraiser an anticipated, estimated, encouraged or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the contract to purchase may be provided;

(7) Providing or offering to provide to an appraiser or to any person or entity related to the appraiser stock or other financial or nonfinancial benefits;

(8) Removing an appraiser from an appraiser panel without prior written notice to such appraiser as set forth in section 20-529c, as amended by this act;

(9) Obtaining, using or paying for a subsequent appraisal or ordering an automated valuation model in connection with a mortgage financing transaction unless (A) there is a reasonable basis to believe that the initial appraisal was flawed or tainted and such basis is clearly noted in such transaction file, or (B) such subsequent appraisal or automated valuation model is performed pursuant to a bona fide prefunding or postfunding appraisal review, loan underwriting or quality control process; or

(10) Using any other act or practice that impairs or attempts to impair an appraiser's independence, objectivity or impartiality.

(e) Nothing in subsection (d) of this section shall be construed to apply to a federally regulated appraisal management company or prohibit an appraisal management company from requesting that an appraiser provide additional information about the basis for a valuation or correct objective factual errors in an appraisal report.

Sec. 9. Section 20-529c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) After an appraiser is initially added to an appraiser panel of an appraisal management company, other than a federally regulated appraisal management company, such company shall not remove an appraiser from its appraiser panel or otherwise refuse to assign requests or orders for appraisals without:

(1) Notifying the appraiser in writing of the reasons why the appraiser is being removed;

(2) If the appraiser is being removed for alleged illegal conduct, violation of the USPAP or violation of state licensing standards, notifying the appraiser in writing of the nature of the alleged conduct or violation; and

(3) Providing the appraiser with an opportunity to respond to such notice.

(b) (1) Any appraiser who is removed from an appraiser panel of an appraisal management company, other than a federally regulated appraisal management company, for alleged illegal conduct, violation of the USPAP or violation of state licensing standards may file a complaint with the commissioner and request a review of the removal decision, except that the commissioner shall not make any determination regarding the nature of the business relationship between the appraiser and the appraisal management company that is unrelated to the actions specified in subsection (a) of this section.

(2) If an appraiser files a complaint against an appraisal management company described in subdivision (1) of this subsection pursuant to said subdivision, **[**(1) of this subsection,**]** the commissioner shall notify such company not later than ten days after such complaint is filed. The commissioner may schedule a hearing and shall render a decision not later than one hundred eighty days after the date such complaint is filed.

(3) If the commissioner determines to the commissioner's satisfaction that the appraiser did not engage in illegal conduct, violate the USPAP or violate state licensing standards, the commissioner shall order such appraiser to be reinstated to the appraiser panel of the appraisal management company.

(4) The appraisal management company described in subdivision (1) of this subsection that was the subject of the complaint filed pursuant to said subdivision shall not (A) refuse to assign requests or orders for appraisals or reduce the number of assignments to the reinstated appraiser, or (B) otherwise penalize the reinstated appraiser.

Sec. 10. Subsection (a) of section 20-529d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Upon the verified complaint, in writing, of any person concerning a violation by an appraisal management company, other than a federally regulated appraisal management company, of the provisions of sections 20-529 to 20-529c, inclusive, as amended by this act, the Department of

Consumer Protection may investigate such company. Upon a determination by the commissioner that an appraisal management company has made any materially false, fictitious or fraudulent statement or violated any provision of sections 20-529 to 20-529c, inclusive, as amended by this act, the commissioner may deny, refuse to renew, suspend or revoke a certificate of registration issued in accordance with section 20-529, as amended by this act, and may impose a civil penalty of not more than twenty-five thousand dollars.

Sec. 11. Section 20-529e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Commissioner of Consumer Protection may adopt regulations, in accordance with chapter 54, to carry out the provisions of sections 20-529 to **[**20-529c**]** 20-529d, inclusive, as amended by this act, and section 4 of this act.

Sec. 12. Subsection (b) of section 21-71 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) If an inspection by the department reveals a violation of any provision of this chapter or any regulation issued under this chapter, the cost of all reinspections necessary to determine compliance with any such provision shall be assumed by the owner, except that if a first reinspection indicates compliance with such provision, no charge shall be made.

(2) As part of an inspection or investigation, the department may order an owner of a mobile manufactured home park to obtain an independent inspection report, at the sole cost of the owner, that assesses the condition and potential public health impact of a condition at the park, including, but not limited to, the condition of trees and electrical, plumbing or sanitary systems.

(3) (A) In ordering an owner of a mobile manufactured home park to obtain an independent inspection report under this subsection, the

department may require (i) the person completing such report to have training or be licensed in a particular area related to the ordered inspection, and (ii) that such report specifically address particular areas of, or issues affecting, the park that are of concern to the department.

(B) In the event that the department requires the person completing an independent inspection report under this subsection to have training or be licensed in a particular area, the department shall include such requirement in the first order the department issues to the mobile manufactured home park owner requiring such report.

(C) The mobile manufactured home park owner shall submit proof of compliance with the provisions of this subdivision at the time the owner submits to the department the independent inspection report required under this subsection.

(4) If the department orders a mobile manufactured home park owner to obtain an independent inspection report as part of the owner's application for a license, or for renewal of a license, to operate a mobile manufactured home park, the department shall issue such order to such owner at the electronic mail address such owner most recently provided to the department in such owner's application. Such order shall provide a description of the condition or conditions that require further assessment by such owner.

(5) A mobile manufactured home park owner shall obtain and submit to the department an independent inspection report required under this subsection not later than thirty days after the department issued the order requiring such report or a later date approved, in writing, by the commissioner or the commissioner's designee.

(6) Each independent inspection report required under this subsection shall include (A) an assessment of (i) all conditions outlined in the department's order requiring such report that impact public health and safety for the purpose of assessing the risk that such conditions pose to public health and safety, and (ii) the severity of the conditions described in subparagraph (A)(i) of this subdivision, and (B)

a detailed plan of action to remedy each condition described in subparagraph (A)(i) of this subdivision.

(7) Not later than ten days after a mobile manufactured home park owner receives an independent inspection report required under this subsection, the mobile manufactured home park owner shall provide to the department, in writing, a detailed plan to remedy the assessed condition, which plan shall include, at a minimum, a specific timeline, proposed contractors and a budget.

Sec. 13. Subsections (c) to (f), inclusive, of section 21a-4 of the 2024 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The Commissioner of Consumer Protection may impose a late fee on any applicant who fails to renew a license, permit, certificate or registration on or before the expiration date of such license, permit, certificate or registration. The amount of the late fee shall be equal to ten per cent of the renewal fee but shall not be less than ten dollars or more than one hundred dollars. Prior to renewing a license, permit, certificate or registration, an applicant shall pay all outstanding fees, including, but not limited to, late fees, owed to the department.

(d) If the Department of Consumer Protection does not receive a completed license, permit, certificate or registration renewal application from an applicant on or before the expiration date of such license, permit, certificate or registration, **[**but the applicant submits a completed renewal application to the department not later than**]** the department may accept a renewal application for a period of up to ninety days after such expiration date. If the department elects to accept a renewal application during such period, the applicant shall pay any late fee imposed by the commissioner under subsection (c) of this section but shall not be required to apply for reinstatement under subsection (e) of this section. No holder of any lapsed license, permit, certificate or registration shall engage in any activity for which an active license, permit, certificate or registration is required unless the department has approved a renewal application for such license, permit,

certificate or registration.

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

(f) Unless expressly provided otherwise by law, application fees for a

license, permit, certificate or registration within the purview of the Department of Consumer Protection shall be nonrefundable. Unless waived by the department, in writing, the department may deem any incomplete application that has been submitted to the department to have expired and been withdrawn six months after the date of such incomplete application.

Sec. 14. Subsections (b) to (d), inclusive, of section 21a-79 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) (A) Any person **[**who, or association, corporation, firm or partnership**]** that **[**,**]** uses universal product coding to total a retail consumer's purchases shall mark, or cause to be marked, each consumer commodity that bears a universal product code with such consumer commodity's retail price.

(B) Any person **[**who, or association, corporation, firm or partnership**]** that **[**,**]** uses an electronic pricing system to total a retail consumer's purchases shall provide to such consumer an item-by-item digital display, plainly visible to such consumer as each universal product code is scanned, of the price of each carbonated soft drink container or consumer commodity, or both, which such consumer has selected for purchase before such person **[**, association, corporation, firm or partnership**]** accepts payment from such consumer for such carbonated soft drink container or consumer commodity, or both. The provisions of this subparagraph shall not be construed to apply to any person **[**who, or association, corporation, firm or partnership**]** that **[**,**]** is operating in a retail sales area of not more than ten thousand square feet.

(2) The provisions of subparagraph (A) of subdivision (1) of this subsection shall not apply if (A) the Commissioner of Consumer Protection, by regulation, allows for the use of electronic shelf labeling systems, (B) the commissioner grants to a person **[**, association, corporation, firm or partnership**]** approval to use an electronic shelf labeling system, (C) the person **[**, association, corporation, firm or partnership**]** demonstrates, to the commissioner's satisfaction, that such

electronic shelf labeling system is supported by an electronic pricing system that uses universal product coding to total a retail consumer's purchases, and (D) such person **[**, association, corporation, firm or partnership**]** has received the commissioner's approval for such an electronic pricing system.

(3) The provisions of subparagraph (A) of subdivision (1) of this subsection shall not apply to a person **[**, association, corporation, firm or partnership**]** if (A) the conditions established in subdivision (2) of this subsection have been satisfied, and (B) the person **[**, association, corporation, firm or partnership**]** has received the Commissioner of Consumer Protection's permission to suspend implementation of the electronic pricing system for a period, not to exceed thirty days, to enable such person, **[**association, corporation, firm or partnership,**]** or an agent acting on behalf of such person, **[**association, corporation, firm or partnership,**]** to remodel, repair, reset or otherwise modify such electronic pricing system at the retail establishment.

(4) The provisions of subparagraph (A) of subdivision (1) of this subsection shall not apply to a person **[**, association, corporation, firm or partnership**]** if (A) the person **[**, association, corporation, firm or partnership**]** applies for, and the Commissioner of Consumer Protection approves, an exemption for such person, **[**association, corporation, firm or partnership,**]** (B) such person **[**, association, corporation, firm or partnership**]** demonstrates, to the commissioner's satisfaction, that such person **[**, association, corporation, firm or partnership**]** has achieved price scanner accuracy of at least ninety-eight per cent, as determined by the latest version of the National Institute of Standards and Technology Handbook 130, "Examination Procedures for Price Verification", as adopted by The National Conference on Weights and Measures, (C) such person **[**, association, corporation, firm or partnership**]** pays an application fee, to be used to offset annual inspection costs, of three hundred fifteen dollars, if the premises consists of less than twenty thousand square feet of retail space, or six hundred twenty-five dollars, if the premises consists of at least twenty thousand square feet of retail space, (D) such person **[**, association, corporation,

firm or partnership**]** makes available a consumer price test scanner that is approved by the commissioner and located prominently in an easily accessible location for each twelve thousand square feet of retail floor space, or fraction thereof, and (E) price accuracy inspections resulting in less than ninety-eight per cent price scanner accuracy are reinspected, **[**without penalty, and such person, association, corporation, firm or partnership pays**]** which reinspection shall be performed following receipt of payment of a two-hundred-fifty-dollar reinspection fee paid by such person.

(5) Notwithstanding any provision of this subsection, consumer commodities that are offered for sale and located on an end cap display within the retail sales area shall not be subject to the requirements established in this subsection, provided any information that would otherwise have been made available to a consumer pursuant to this section is clearly and conspicuously posted on or adjacent to such end cap.

(6) Consumer commodities that are advertised in a publicly circulated printed form as being offered for sale at a reduced retail price for a minimum seven-day period need not be individually marked at such reduced retail price, provided such consumer commodities are individually marked with their regular retail price and a conspicuous sign adjacent to such consumer commodities discloses (A) such reduced retail price and the unit price of such consumer commodities, and (B) a statement disclosing that the cashier will electronically price such consumer commodities at such reduced price.

(7) (A) Except as provided in subparagraph (B) of this subdivision, if a consumer commodity is offered for sale and the consumer commodity's electronic price is higher than the posted price, then one item of such consumer commodity, up to a value of twenty dollars, shall be given to the consumer at no cost to the consumer. A conspicuous sign shall adequately disclose to the consumer that in the event the electronic price is higher than the posted retail price, one item of such consumer commodity shall be given to the consumer at no cost to the consumer.

(B) The provisions of subparagraph (A) of this subdivision shall not apply to a person **[**, association, corporation, firm or partnership**]** in cases where the person **[**, association, corporation, firm or partnership**]** (i) improperly fails to redeem a digital or paper coupon which, if properly redeemed, would reduce the price of a consumer commodity, or (ii) fails to remove a sign adjoining a consumer commodity and disclosing a time-limited reduced price for the consumer commodity after the time period specified for such reduced price has expired.

(8) If a consumer presents a digital or paper coupon which, if properly redeemed, would reduce the price of a consumer commodity and the person **[**, association, corporation, firm or partnership**]** fails to properly redeem such coupon, such person **[**, association, corporation, firm or partnership**]** shall provide to the consumer a refund in an amount that is equal to the value of such coupon. If a person **[**, association, corporation, firm or partnership**]** offers a consumer commodity for sale at a reduced price for a specified time period, and a sign disclosing such reduced price remains adjacent to the consumer commodity following expiration of such time period, the person **[**, association, corporation, firm or partnership**]** shall only require a consumer to pay the reduced price disclosed in such sign for such consumer commodity.

(c) (1) The Commissioner of Consumer Protection may adopt regulations, in accordance with the provisions of chapter 54, concerning the marking of prices, and use of universal product coding, on each unit of a consumer commodity.

(2) The Commissioner of Consumer Protection may adopt regulations, in accordance with the provisions of chapter 54, designating not more than twelve consumer commodities that need not be marked in accordance with the provisions of subdivision (1) of subsection (b) of this section and specifying the method of providing adequate disclosure to consumers to ensure that the electronic pricing of the designated consumer commodities is accurate. The commissioner may also establish, by regulation, methods to protect consumers against

electronic pricing errors of such designated consumer commodities and to ensure that the electronic prices of such designated consumer commodities are accurate. Among the methods that the commissioner may consider are conditions similar to those set forth in subdivision (5) of subsection (b) of this section.

(d) The Commissioner of Consumer Protection, after providing notice and conducting a hearing in accordance with the provisions of chapter 54, may issue a warning citation to, or impose a civil penalty of not more than one hundred dollars for the first offense and not more than five hundred dollars for each subsequent offense on, any person **[**who, or association, corporation, firm or partnership**]** that **[**,**]** violates any provision of subsection (b) of this section, or any regulation adopted pursuant to subsection (c) of this section. Any person **[**who, or association, corporation, firm or partnership**]** that **[**,**]** violates any provision of subsection (b) of this section, or any regulation adopted pursuant to subsection (c) of this section, shall be fined not more than two hundred dollars for the first offense and not more than one thousand dollars for each subsequent offense. Each violation with respect to all units of a particular consumer commodity on any single day shall be deemed a single offense.

Sec. 15. Subsection (e) of section 21a-79b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) The provisions of this section do not apply to any person, association, corporation, firm or partnership operating in a retail sales area of not more than **[**ten thousand**]** one thousand five hundred square feet.

Sec. 16. Section 21a-96 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Whenever the commissioner or **[**his**]** the commissioner's authorized agent finds, or has probable cause to believe, that any food, drug, device or cosmetic is offered or exposed for sale, or held in

possession with intent to distribute or sell, or is intended for distribution or sale in violation of any provision of this chapter, whether [it] such article is in the custody of a common carrier or any other person, [he] the commissioner or such agent may affix to such article a tag or other appropriate marking, giving written notice, prior to or at the time such article is embargoed, that such article is, or is suspected of being, in violation of this chapter and has been, or shall be, embargoed. [Within] Not later than twenty-one days after an embargo has been placed upon any article, unless the commissioner extends the embargo period based upon a reinspection which indicates the continuation of violation, the commissioner shall remove the embargo [shall be removed by the commissioner] or bring a summary proceeding [for the confiscation of the article shall be instituted by the commissioner] pursuant to chapter 54, or institute a civil action in the Superior Court, to embargo such article. No person shall alter, open, remove or dispose of such embargoed article by sale or otherwise without the permission of the commissioner or [his] the commissioner's authorized agent, or, after a summary [proceedings have been] proceeding has been brought or a civil action has been instituted, without permission from the hearing officer or the court. If the embargo is removed by the commissioner, hearing officer or [by the] court, [neither] the commissioner, [nor] hearing officer and the state shall not be held liable for damages because of such embargo if the hearing officer or court finds that there was probable cause for the embargo.

(b) [Proceedings before the Superior Court] Summary proceedings brought in accordance with this section shall be by complaint [, verified by affidavit, which may be made on information and belief] in the name of the commissioner against the person who has custody of the article to be [confiscated] embargoed.

(c) The complaint shall contain: (1) A particular description of the article, (2) the name of the place where the article is located, (3) the name of the person in whose possession or custody the article was found, if such name is known to the person making the complaint or can be ascertained by reasonable effort, and (4) a statement as to the manner in

which the article is adulterated or misbranded or the characteristics which render its distribution or sale illegal.

[(d) Upon the filing of the verified complaint, the court shall issue a warrant directed to the proper officer to seize and take in his possession the article described in the complaint and bring the same before the court which issued the warrant and to summon the person named in the warrant, and any other person found in possession of the article, to appear at the time and place therein specified.

(e) Any such person shall be summoned by service of a copy of the warrant in the same manner as a summons issuing out of the court in which the warrant has been issued.

(f) The hearing upon the complaint shall be at the time and place specified in the warrant, which time shall not be less than five days or more than fifteen days from the date of issuing the warrant, but, if the execution and service of the warrant has been less than three days before the return of the warrant, either party shall be entitled to a reasonable continuance. Upon the hearing the complaint may be amended.

(g) Any person who appears and claims the food, drug, device or cosmetic seized under the warrant shall be required to file a claim in writing.**]**

[(h)**]** (d) If, upon the hearing, it appears that the article was offered or exposed for sale, or had in possession with intent to distribute or sell, or was intended for distribution or sale, in violation of any provision of this chapter, **[**it shall be confiscated and disposed of by destruction or sale as the**]** the article may be confiscated by the Department of Consumer Protection or ordered by the hearing officer or court to be destroyed by the respondent or defendant in a manner prescribed by such hearing officer or court. **[**may direct, but no**]** No such article shall be sold contrary to any provision of this chapter. In the event of an adverse ruling against the respondent or defendant, the respondent or defendant shall be liable for all costs and expenses incurred by the department in investigating, containing, removing, monitoring,

mitigating and disposing of the embargoed product as well as any legal expenses associated therewith. The proceeds of any sale, less the legal costs and charges, shall be paid into the State Treasury.

[(i) If the article seized is not injurious to health and is of such character that, when properly packed, marked, branded or otherwise brought into compliance with the provisions of this chapter, its sale would not be prohibited, the court may order such article delivered to the owner upon the payment of the costs of the proceedings and the execution and delivery to the state department instituting the proceedings, as obligee, of a good and sufficient bond to the effect that such article will be brought into compliance with the provisions of this chapter under the supervision of said department, and the expenses of such supervision shall be paid by the owner obtaining release of the article under bond.**]**

[(j)**]** (e) Whenever the commissioner or any of **[**his**]** the commissioner's authorized agents finds, in any room, building, other structure or vehicle of transportation, **[**or other structure,**]** any meat, seafood, poultry, vegetable, fruit or other perishable article which is unsound, or contains any filthy, decomposed or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the commissioner, or **[**his**]** the commissioner's authorized agent, shall forthwith **[**condemn**]** embargo or destroy the same, or in any other manner render the same unsalable as a human food.

(f) Whenever the commissioner or any of the commissioner's authorized agents finds, in any room, building, other structure or vehicle of transportation, any drug or device, as defined in section 21a-92, or drug paraphernalia, as defined in section 21a-240, which is adulterated or insanitary, is produced, packed or held under insanitary conditions, is unsafe or not shown to be safe, may be contaminated by filth or may be deleterious or injurious to health, the commissioner, or the commissioner's authorized agent, shall forthwith embargo or destroy such drug, device or drug paraphernalia or in any other manner render such drug, device or drug paraphernalia unsalable.

[(k)**]** (g) The commissioner may, after notice and hearing, impose a civil penalty of not more than **[**five hundred**]** five thousand dollars for each separate offense on any person who removes any tag or other appropriate marking affixed to an article, or who offers or exposes an article for sale, which has been embargoed **[**or condemned**]** in accordance with the provisions of this section, without the permission of the commissioner or **[**his**]** the commissioner's agent.

Sec. 17. Subsection (b) of section 21a-101a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) In accordance with sections 21a-116 and 21a-118, the commissioner or the commissioner's authorized agent may investigate and take samples of foods. In addition to the **[**seizure**]** powers granted to the commissioner pursuant to section 21a-96, as amended by this act, the commissioner or the commissioner's authorized agent may seize, condemn, destroy, or in any other manner render unsalable, any adulterated foods **[**he or she**]** the commissioner or such authorized agent deems to be poisonous, deleterious to public health or otherwise unsafe.

Sec. 18. Section 21a-217 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Every contract for health club services shall provide that such contract may be cancelled within three business days after the date of receipt by the buyer of a copy of the contract, by written notice delivered, **[**by certified or registered United States mail**]** with delivery tracking, to the seller or the seller's agent at an address which shall be specified in the contract. After receipt of such cancellation, the health club may request the return of **[**contract forms, membership cards and any and all other documents and evidence of membership previously delivered to the buyer**]** any cards or equipment that were delivered to the buyer as part of the membership. Cancellation shall be without liability on the part of the buyer, except for the fair market value of services actually received and the buyer shall be entitled to a refund of the entire consideration paid for the contract, if any, less the fair market

value of the services or use of facilities already actually received. Such right of cancellation shall not be affected by the terms of the contract and may not be waived or otherwise surrendered. Such contract for health club services shall also contain a clause providing that if the person receiving the benefits of such contract relocates further than twenty-five miles from a health club facility operated by the seller or a substantially similar health club facility which would accept the seller's obligation under the contract, or dies during the membership term following the date of such contract, or if the health club ceases operation at the location where the buyer entered into the contract, the buyer or his estate shall be relieved of any further obligation for payment under the contract not then due and owing. The contract shall also provide that if the buyer becomes disabled during the membership term, the buyer shall have the option of (1) being relieved of liability for payment on that portion of the contract term for which **[**he**]** the buyer is disabled, or (2) extending the duration of the original contract at no cost to the buyer for a period equal to the duration of the disability. The health club shall have the right to require and verify reasonable evidence of relocation, disability or death. In the case of disability, the health club may require that **[**a certificate signed by**]** documentation from a licensed physician, a licensed physician assistant, **[**or**]** a licensed advanced practice registered nurse or another credentialed medical provider be submitted as verification. **[**and may also require in such contract that the buyer submit to a physical examination by a licensed physician, a licensed physician assistant or a licensed advanced practice registered nurse agreeable to the buyer and the health club, the cost of which examination shall be borne by the health club.**]**

Sec. 19. Section 21a-218 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) A copy of the health club contract shall be delivered to the buyer at the time the contract is signed. All health club contracts shall (1) be in writing and signed by the buyer, (2) designate the date on which the buyer actually signs the contract, (3) identify the address of the location at which the buyer entered the contract, and (4) contain a statement of

the buyer's rights which complies with this section. The following statement shall prominently and conspicuously appear, in at least twelve-point font, at the top of the contract: **[**under the conspicuous caption:**]**

"BUYER'S RIGHT TO **[**CANCEL", and shall read as follows:**]** CANCEL

["If**]** If you wish to cancel this contract, you may cancel by sending a written notice **[**to one of the addresses specified below. The notice must say**]** stating that you do not wish to be bound by this contract. **[**and must be delivered or mailed before midnight of the third business day after you sign this contract. After you cancel, the health club may request the return of all contracts, membership cards and other documents of evidence of membership**]** The notice must be delivered or mailed before midnight of the third business day after you sign this contract. The notice must be delivered or mailed to:

....

....

(Insert name, electronic mail address and mailing address for cancellation notice.)

You may also cancel this contract if: **[**you**]**

(1) You relocate your residence further than twenty-five (25) miles from any health club operated by the seller or from any other substantially similar health club which would accept the obligation of the seller; **[**. This contract may also be cancelled if you**]**

(2) You die; **[**, or if the**]** or

(3) The health club ceases operation at the location where you entered into this contract or the location closest to your primary residence.

If you become disabled, you shall have the option of:

(1) [being] Being relieved of liability for payment on that portion of the contract term for which you are disabled; [,] or

(2) [extending] Extending the duration of the original contract at no cost to you for a period equal to the duration of the disability.

You must send a written notice of disability, which may be sent to the health club in an electronic form. You may be required to prove such disability by [a certificate signed by] submitting documentation from a licensed physician, [or] a licensed physician assistant, a licensed advanced practice registered nurse [, which certificate shall be enclosed with the written notice of disability sent to the health club. The health club may require that you be examined by another physician or advanced practice registered nurse agreeable to you and the health club at its expense] or another credentialed medical provider. If you cancel, the health club may keep or collect an amount equal to the fair market value of the services or use of facilities you have already received."

[The full text of this statement shall be in ten-point bold type. Each contract renewed on or after October 1, 2021, shall revise the BUYER'S RIGHT TO CANCEL language to provide for cancellation notices received by electronic mail.]

(b) If a buyer cancels a health club contract pursuant to the three-day cancellation provision or as a result of having moved further than twenty-five miles, or as a result of the health club ceasing operation at the location where the buyer entered into the contract or the location closest to the buyer's primary residence as provided by this chapter, the health club shall send the buyer a written confirmation of cancellation within fifteen days after receipt by the health club of the buyer's cancellation notice. If the health club fails to send such written notice to the buyer within fifteen days, the health club shall be deemed to have accepted the cancellation.

[(c) (1) If the buyer notifies the health club that he has become disabled, the health club shall notify the buyer in writing within fifteen days of receipt by the health club of the buyer's notice of disability and

any certificate signed by a licensed physician, physician assistant or a licensed advanced practice registered nurse which may be required under subsection (a) of this section that: (A) The health club will not require the buyer to submit to another physical examination; or (B) the health club requires the buyer to submit to another physical examination and that the buyer's obligations under the contract are suspended pending determination of disability. If the health club fails to send such written notice to the buyer within fifteen days, the health club shall be deemed to have accepted the disability.

(2) If the health club requires the buyer to submit to another physical examination, all obligations of the buyer for payment under the contract will be suspended as of the date the health club receives notice of disability. The buyer's obligations will not resume until such time as a determination is made, either by consent of the buyer and the health club or through adjudicative proceedings, that disability does not exist.**]**

[(d)**]** (c) A buyer who is disabled may, at the buyer's option, extend the duration of the original contract at no cost to the buyer for a period equal to the duration of the disability, or remain liable for partial payment on the contract as follows:

(1) A buyer who is disabled for a period less than the full remaining term of the contract shall only be liable for a pro-rata portion of the contract price equal to the total number of weeks specified in the contract less the number of weeks after the date on which the disability first occurred, the difference being divided by the total number of weeks specified in the contract and the result of that division being multiplied by the total contract price.

(2) A buyer who is disabled for the full remaining term of the contract shall only be liable for a pro-rata portion of the contract price equal to the number of complete weeks before the date the disability first occurred for which the services or facilities were made available to the buyer divided by the total number of weeks specified in the contract with the result being multiplied by the total contract price.

(3) If the reasonable probabilities are that the buyer will be disabled for the full remaining term of the contract, and the buyer has elected not to extend the duration of the contract as provided in this subsection, the health club shall cancel the buyer's contract at the time such a determination is made and notify the buyer in writing that the contract has been cancelled.

(4) Any money paid by the buyer which is in excess of the amount for which **[**he**]** the buyer is liable under the provisions of this section shall be refunded by the seller to the buyer.

(5) A health club which received notice of disability from a buyer shall provide such buyer with a written form which shall fully explain the buyer's options as set forth in this subsection. Such form shall provide on it a location where the buyer shall indicate in writing the option **[**he**]** such buyer has chosen. Such form shall be signed by the buyer and the health club.

[(e)**]** (d) In any cancellation of a health club service contract the buyer shall not be liable for any payment to the seller if the services received by the buyer are as a result of a representation by the health club to the buyer that such services are to be received free or if the buyer received services at a health club as a result of a representation by the health club to the buyer that such services are to be received at a reduced or discount price, the buyer shall only be liable as a result of his cancellation for an amount equal to that which was represented to the buyer that **[**he**]** such buyer would have to pay.

[(f)**]** (e) Any refund to the buyer as a result of cancellation of the contract shall be delivered by the health club to the buyer within fifteen business days of receipt by the health club of the notice of cancellation.

Sec. 20. Subsection (c) of section 21a-219 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Each health club shall post the prices and the three-day

cancellation provisions, the disability provisions and the twenty-five mile moving provisions of all contracts in a conspicuous place where the contract is entered into. If a contract is presented to a consumer exclusively in an electronic format, the three-day cancellation and disability provisions shall: (1) Be presented to the consumer in a separate document in electronic or paper form, and (2) include an acknowledgment by the consumer that the consumer has received such provisions. Both the contract and the document including the cancellation provisions, disability provisions and acknowledgment shall be executed as part of a single transaction.

Sec. 21. Subsection (a) of section 21a-223 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each individual place of business of each health club shall obtain a license from the Department of Consumer Protection prior to the sale of any health club contract. Application for such license shall be made on forms provided by the Commissioner of Consumer Protection and said commissioner shall require as a condition to the issuance and renewal of any license obtained under this chapter (1) that the applicant provide for and maintain on the premises of the health club sanitary facilities; (2) that the applicant, on and after October 1, 2022, (A) (i) provide and maintain in a readily accessible location on the premises of the health club at least one automatic external defibrillator, as defined in section 19a-175, and (ii) make such location known to employees of such health club, (B) ensure that at least one employee is on the premises of such health club during staffed business hours who is trained in cardiopulmonary resuscitation and the use of an automatic external defibrillator in accordance with the standards set forth by the American Red Cross or American Heart Association, (C) maintain and test the automatic external defibrillator in accordance with the manufacturer's guidelines, and (D) promptly notify a local emergency medical services provider after each use of such automatic external defibrillator; (3) that the application be accompanied by (A) a license or renewal fee of two hundred fifty dollars, (B) a list of the equipment and each service that

the applicant intends to have available for use by buyers during the year of operations following licensure or renewal, and (C) **[**two copies**]** an electronic copy of each health club contract that the applicant is currently using or intends to use; and (4) compliance with the requirements of section 21a-226, as amended by this act. Such licenses shall be renewed annually. **[**The commissioner may impose a civil penalty of not more than three hundred dollars against any health club that continues to sell or offer for sale health club contracts for any location but fails to submit a license renewal and license renewal fee for such location not later than thirty days after such license's expiration date.**]**

Sec. 22. Subsections (f) to (l), inclusive, of section 21a-226 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

[(f) The commissioner shall proceed upon such application and shall hold a hearing in accordance with the provisions of chapter 54. Notwithstanding the provisions of chapter 54, the decision of the commissioner shall be final with respect to the application. The commissioner may hear applications of all buyers submitting claims against a single health club in one proceeding.**]**

(f) (1) Before the commissioner may issue any order directing payment out of the guaranty fund to a buyer pursuant to this section, the commissioner shall first notify the health club of the buyer's application for an order directing payment out of the guaranty fund and of the health club's right to a hearing to contest the disbursement in the event that the health club (A) has already paid the buyer, or (B) is complying with a payment schedule in accordance with (i) a written agreement with the buyer, or (ii) a court judgment, order or decree.

(2) If a health club described in subdivision (1) of this subsection requests a hearing, the commissioner shall grant such request and conduct the hearing in accordance with the provisions of chapter 54 if the health club submits such request (A) in writing, and (B) not later than fifteen days after the health club receives the notice issued by the

commissioner pursuant to subdivision (1) of this subsection.

(3) If the commissioner does not receive a request from a health club for a hearing within the fifteen-day period set forth in subdivision (2) of this subsection, the commissioner shall (A) determine that the buyer has not been paid, and (B) issue an order directing payment out of the guaranty fund for the amount due.

(4) If multiple buyers submit claims against any health club, the commissioner may hear such buyers' applications in one proceeding.

(g) After hearing, the commissioner shall issue an order requiring payment from the guaranty fund of any sum **[**he**]** the commissioner finds to be payable upon such application. The total compensation payable from the guaranty fund on the closing of any one health club location shall not exceed seventy-five thousand dollars.

(h) If the commissioner pays any amount as a result of a claim against a health club pursuant to an order under subsection (g) of this section, the health club shall not be eligible to receive a new or renewed license until **[**it**]** the health club has repaid such amount in full, plus interest at a rate to be determined by the commissioner.

(i) If the commissioner pays any amount as a result of a claim against a health club pursuant to an order under subsection (g) of this section, the commissioner shall determine if the health club is possessed of real or personal property or other assets, liable to be sold or applied in satisfaction of the claim on such fund. If the commissioner discovers any such assets, **[**he**]** the commissioner may request that the Attorney General take any action necessary for the realization thereof for the reimbursement of the guaranty fund.

(j) The commissioner may, in order to preserve the integrity of the guaranty fund, order payments to be made out of said fund for amounts less than the actual loss incurred by any buyer of a health club contract.

(k) When the commissioner has caused any sum to be paid from the guaranty fund to a buyer who has entered into a health club contract,

the commissioner shall be subrogated to all of the rights of the buyer up to the amount paid, and the buyer shall assign all of **[**his**]** the buyer's right, title, and interest in the claim up to such amount to the commissioner, and any amount and interest recovered by the commissioner on the claim shall be deposited to the guaranty fund, except as provided in subsection (c) of this section.

(l) Notwithstanding any provision of the general statutes to the contrary, the commissioner may prohibit a health club from making payments to the Connecticut Health Club Guaranty Fund if, in the opinion of the commissioner, the health club within the past five years has engaged in any unfair or deceptive trade practices under subsection (a) of section 42-110b, has engaged in any conduct of a character likely to mislead, deceive or defraud the buyer, the public or the commissioner, or has violated any of the provisions this chapter. If the commissioner determines that a health club should be prohibited from making payments to the Connecticut Health Club Guaranty Fund, the department shall **[**mail a notice by certified mail to the principal place of business of**]** provide notice to the health club, **[**and**]** which notice shall state the grounds for the contemplated action. **[**Within**]** Not later than fourteen days **[**of receipt of the**]** after the health club receives such notice, the health club may file a written request for a hearing. If a hearing is requested such hearing shall be conducted in accordance with the provisions of chapter 54.

Sec. 23. Subsection (a) of section 21a-227 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) When any health club is closing or transferring its place of business to another location, the health club **[**, at least sixty days before closing or transferring,**]** shall: (1) **[**Notify**]** Send a written notice disclosing such closing or transfer to (A) the Department of Consumer Protection, **[**; (2) notify**]** (B) all current members **[**; (3) notify**]** (i) at least sixty days before the date of such closing or transfer, and (ii) at least twenty days, but not more than forty days, before the date of such

closing or transfer, and (C) all prospective members prior to entering into any health club contract; and **[**(4) publish a notice in a newspaper with general circulation throughout this state that the health club is closing or transferring its place of business**]** (2) conspicuously post, on the health club's Internet web site and premises, notices disclosing such closing or transfer. Not later than one business day after the health club provides the written notice disclosing such closing or transfer to all current members, the health club shall provide to the department an electronic copy of such written notice.

Sec. 24. Section 25-133 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Where the board finds that compliance with all requirements of this chapter or regulations adopted pursuant thereto, other than requirements related to the purity, potability and safeguarding of well water, would result in undue hardship, an exemption from **[**any**]** one or more of such requirements may be granted by the board, subject to the approval of the Commissioner of Consumer Protection, to the extent necessary to ameliorate such undue hardship and to the extent such exemption can be granted without impairing the intent and purpose of this chapter.

(b) With respect to matters related to the purity, potability and safeguarding of well water under section 19a-37, where a local director of health finds that compliance with all requirements of this chapter or regulations adopted pursuant thereto would result in undue hardship, an exemption from one or more of such requirements may be granted by the local director of health upon a finding by such local director of health that such exemption can be granted without adversely affecting the purity and adequacy of the well water.

Sec. 25. Subsections (b) to (d), inclusive, of section 42-110d of the 2024 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Said commissioner or **[**his**]** said commissioner's authorized

representatives shall have the right to (1) enter any place or establishment within the state, at reasonable times, for the purpose of making an investigation; (2) check the invoices and records pertaining to costs and other transactions of commodities; (3) take samples of commodities for evidence upon tendering the market price therefor to the person having such commodity in **[**his**]** such person's custody; (4) subpoena documentary material relating to such investigation; and (5) have access to, for the purpose of examination, documentary material and the right to copy and receive electronic copies of such documentary material of any person being investigated or proceeded against. The commissioner or **[**his**]** the commissioner's authorized representatives shall have power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary material relating to any matter under investigation.

(c) In addition to other powers conferred upon the commissioner, said commissioner may execute in writing and cause to be served, **[**by certified mail**]** through reasonable efforts to effectuate notice as set forth in section 21a-2, an investigative demand upon any person suspected of using, having used or about to use any method, act or practice declared by section 42-110b to be unlawful or upon any person from whom said commissioner wants assurance that section 42-110b has not, is not or will not be violated. Such investigative demand shall contain a description of the method, act or practice under investigation, provide a reasonable time for compliance, and require such person to furnish under oath or otherwise, as may be specified in said demand, a report in writing setting forth relevant facts or circumstances together with documentary material. Notwithstanding subsection (f) of this section, responses to investigative demands issued under this subsection may be withheld from public disclosure during the full pendency of the investigation.

(d) Said commissioner, in conformance with sections 4-176e to 4-185, inclusive, whenever the commissioner has reason to believe that any person has been engaged or is engaged in an alleged violation of any provision of this chapter, shall **[**mail**]** deliver to such person, **[**by

certified mail**]** in a manner that is sufficient to effectuate notice as set forth in section 21a-2, a complaint stating the charges and containing a notice of a hearing, to be held upon a day and at a place therein fixed at least fifteen days after the date of such complaint. The person so notified shall have the right to file a written answer to the complaint and charges therein stated and appear at the time and place so fixed for such hearing, in person or otherwise, with or without counsel, and submit testimony and be fully heard. Any person may make application, and upon good cause shown shall be allowed by the commissioner to intervene and appear in such proceeding by counsel or in person. The testimony in any such proceeding, including the testimony of any intervening person, shall be under oath and shall either be reduced to writing by the recording officer of the hearing **[**and filed in the office of the commissioner**]** or recorded in an audio or audiovisual format. The commissioner or the commissioner's authorized representatives shall have the power to require by subpoena the attendance and testimony of witnesses and the production of any documentary material at such proceeding. If upon such hearing the commissioner is of the opinion that the method of competition or the act or practice in question is prohibited by this chapter, the commissioner or the commissioner's designee shall make a report in writing to the person complained of in which the commissioner or such designee shall state the commissioner's or such designee's findings as to the facts and shall forward by certified mail to such person an order to cease and desist from using such methods of competition or such act or practice. The commissioner may impose a civil penalty, in an amount not to exceed the amount set forth in subsection (b) of section 42-110o, after a hearing conducted pursuant to chapter 54, or, if the amount involved is less than ten thousand dollars, an order directing restitution, or both. The commissioner may apply for the enforcement of any cease and desist order, civil penalty, order directing restitution or consent order issued or imposed under this chapter to the superior court for the judicial district of Hartford, or to any judge thereof if the same is not in session, for **[**orders**]** an order temporarily **[**and**]** or permanently restraining and enjoining any person from continuing **[**violations**]** any violation of such cease and desist

order, an order directing payment of any civil penalty or restitution or a consent order. Such application for a temporary restraining order, temporary and permanent injunction, order directing payment of any civil penalty or restitution and for such other appropriate decree or process shall be brought and the proceedings thereon conducted by the Attorney General.

Sec. 26. Subsections (a) to (c), inclusive, of section 42-110aa of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

[(a) No person engaged in trade or commerce in this state, upon the return of goods purchased from such person's place of business, shall refuse to accept the returned goods immediately and issue the individual returning such goods either a cash or credit refund of the purchase price or credit towards the purchase of another item offered for sale at such person's place of business, provided such return is made within the period of time established by such person for the acceptance of returned goods and provided further, such goods are returned in a manner consistent with such person's conspicuously posted refund or exchange policy. Any such person that utilizes an electronic system to record, monitor and limit the number or total dollar value of returns made by a consumer shall clearly indicate the use of such system within such person's conspicuously posted refund or exchange policy.**]**

(a) (1) Any person engaged in trade or commerce in this state shall disclose such person's refund or exchange policy, including whether or not such person, as a matter of policy, provides refunds or allows exchanges. Such person shall clearly and conspicuously: (A) Post such policy on such person's premises if such person conducts in-person sales of goods; (B) display such policy on such person's Internet web site if such person conducts online sales of goods; and (C) verbally disclose such policy if such person conducts verbal sales of goods, including, but not limited to, sales of goods by telephone.

(2) If any person described in subdivision (1) of this subsection, as a matter of policy, provides refunds or allows exchanges, such person's

refund or exchange policy shall disclose: (A) Whether such person shall (i) provide a cash refund, credit refund or refund in the form of a store credit, or (ii) allow an exchange; (B) whether such person shall provide a refund or allow an exchange (i) at any time, or (ii) before a specified time; (C) whether any refund or exchange is subject to any fee and the amount of such fee, which fee shall be expressed (i) in a dollar amount, or (ii) as a percentage; and (D) any other conditions imposed by such person that govern refunds or exchanges.

(3) If any person described in subdivision (1) of this subsection does not, as a matter of policy, provide refunds or allow exchanges, such person shall provide a cash refund, credit refund or refund in the form of a store credit to any consumer who returns any good purchased from such person not later than seven days after the consumer received such goods unless such person discloses such person's refund or exchange policy in accordance with the provisions of subdivisions (1) and (2) of this subsection.

(b) (1) Any person that utilizes an electronic system to record, monitor and limit the number or total dollar value of returns made by a consumer shall: **[**,**]** (A) Clearly indicate in such person's conspicuously posted refund or exchange policy that such person uses such system; and (B) prior to terminating the right of any such consumer to return goods **[**at such person's place of business**]** pursuant to any such limitation, provide written notice to such consumer that indicates such termination. **[**Such**]**

(2) The written termination notice provided pursuant to subparagraph (B) of subdivision (1) of this subsection shall not affect **[**such**]** the consumer's right to return any goods purchased by such consumer or purchased for the benefit of such consumer prior to the date of such notice, if such consumer has a valid receipt evidencing a purchase date for such goods that is prior to the date such consumer receives such notice. Any such written termination notice that is mailed to the last-known address of such consumer, the electronic mail address provided by such consumer or **[**to**]** the address of such consumer that is

obtained through reasonably available public records shall be deemed to comply with the notification requirements of this subsection.

(c) This section shall not be construed to prohibit any person engaged in trade or commerce in this state from extending the period of time during which such person will accept the return of goods purchased from such **[**person's place of business**]** person.

Sec. 27. Subsections (a) to (f), inclusive, of section 42-133ff of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section:

(1) (A) "Agent" (i) means any person who (I) arranges for the distribution of services by another person, or (II) leases, rents or sells tangible or intangible personal, real or mixed property, or any other article, commodity or thing of value, on behalf of another person, and (ii) includes, but is not limited to, (I) any person who is duly appointed as an agent by a common carrier, (II) any person who sells transportation, travel or vacation arrangements on behalf of another person who is engaged in the business of furnishing transportation, travel or vacation services, and (III) any member of a cruise line association that operates exclusively as an agent for cruise lines to sell cruise travel products or services.

(B) "Agent" does not mean (i) a common carrier, (ii) an employee of a common carrier, or (iii) any person engaged in the business of furnishing transportation, travel or vacation services.

(2) "Charge card" (A) means any card, device or instrument that (i) is issued, with or without a fee, to a holder and requires the holder to pay the full outstanding balance due on such card, device or instrument at the end of each standard billing cycle established by the issuer of such card, device or instrument, and (ii) may be used by the holder in a transaction to receive services or lease, purchase or rent tangible or intangible personal, real or mixed property, or any other article,

commodity or thing of value, and (B) includes, but is not limited to, any software application that (i) is used to store a digital form of such card, device or instrument, and (ii) may be used in a transaction to receive such services or lease, purchase or rent any such property, article, commodity or thing.

(3) "Credit card" (A) means any card, device or instrument that (i) is issued, with or without a fee, to a holder, and (ii) may be used by the holder in a transaction to receive services or lease, purchase or rent tangible or intangible personal, real or mixed property, or any other article, commodity or thing of value on credit, regardless of whether such card, device or instrument is known as a credit card, credit plate or by any other name, and (B) includes, but is not limited to, any software application that (i) is used to store a digital form of such card, device or instrument, and (ii) may be used in a transaction to receive such services or lease, purchase or rent any such property, article, commodity or thing on credit.

(4) (A) "Debit card" (i) means any card, code, device or other means of access, or any combination thereof, that (I) is authorized or issued for use to debit an asset account held, directly or indirectly, by a financial institution, and (II) may be used in a transaction to receive services or lease, purchase or rent tangible or intangible personal, real or mixed property, or any other article, commodity or thing of value regardless of whether such card, code, device, means or combination is known as a debit card, and (ii) includes, but is not limited to, (I) any software application that is used to store a digital form of such card, code, device or other means of access, or any combination thereof, that may be used in a transaction to receive such services or lease, purchase or rent any such property, article, commodity or thing, and (II) any cards, codes, devices or other means of access, or any combination thereof, commonly known as automated teller machine cards and payroll cards.

(B) "Debit card" does not mean (i) a check, draft or similar paper instrument, or (ii) any electronic representation of such check, draft or instrument.

(5) "Person" means any natural person, corporation, incorporated or unincorporated association, limited liability company, partnership, trust or other legal entity.

(6) "Surcharge" means any additional charge or fee that increases the total amount of a transaction for the privilege of using a particular **[**form**]** method of payment.

(7) (A) "Transaction" means distribution by one person to another person of any service, or the lease, rental or sale by one person of any tangible or intangible personal, real or mixed property, or any other article, commodity or thing of value to another person, for a certain price in this state.

(B) "Transaction" does not mean payment of any (i) fees, costs, fines or other charges to a state agency authorized by the Secretary of the Office of Policy and Management under section 1-1j, (ii) taxes, penalties, interest and fees allowed by the Commissioner of Revenue Services in accordance with section 12-39r, (iii) taxes, penalties, interest and fees, or other charges, to a municipality in accordance with section 12-141a, (iv) fees, costs, fines or other charges to the Judicial Branch in accordance with section 51-193b, or (v) sum pursuant to any other provision of the general statutes or regulation of Connecticut state agencies.

(b) No person may impose a surcharge on any transaction.

(c) (1) Nothing in this section shall prohibit any person from offering a discount on any transaction to induce payment by cash, check, debit card or similar means rather than by charge card or credit card. No person may offer any such discount unless such person posts a notice disclosing such discount. Such person shall clearly and conspicuously (A) post such notice on such person's premises if such person conducts transactions in-person, (B) display such notice on the Internet web site or digital payment application before completing any online transaction or transaction that is processed by way of such digital payment application, and (C) verbally provide such notice before completing any oral transaction, including, but not limited to, any telephonic

transaction.

(2) In furtherance of the legislative findings contained in section 42-133j, no existing or future agreement or contract shall prohibit a gasoline distributor or retailer from offering a discount to a buyer based upon the method such buyer uses to pay for such gasoline. Any provision in such agreement or contract prohibiting such distributor or retailer from offering such discount is void and without effect because such provision is contrary to public policy.

(d) No person shall condition acceptance of a charge card or credit card for a transaction on a requirement that the transaction be in a minimum amount unless such person discloses such requirement. Such person shall clearly and conspicuously (1) post such notice on such person's premises if such person conducts transactions in-person, (2) display such notice on the Internet web site or digital payment application before completing any online transaction or transaction processed by way of such digital payment application, and (3) verbally provide such notice before completing any oral transaction, including, but not limited to, any telephonic transaction.

(e) No person may reduce the amount of any commission paid to an agent for such person in a transaction because a charge card or credit card was used to provide payment as part of such transaction.

(f) A violation of any provision of this section shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b. The Commissioner of Consumer Protection may<u>, after notice and hearing in accordance with the provisions of chapter 54,</u> impose an additional civil penalty for any violation of this section. The amount of such additional civil penalty shall not exceed five hundred dollars per violation. Payments of such additional civil penalty shall be deposited in the consumer protection enforcement account established in section 21a-8a.

Sec. 28. Section 43-16a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[When**]** As used in this chapter:

(1) "Commissioner" means the state Commissioner of Weights and Measures or the commissioner's designee;

[(1) "Licensed public weigher"**]** (2) "Public weighmaster" means a natural person licensed under the provisions of this chapter; and

[(2)**]** (3) "Vehicle" means any device in, upon or by which any property, produce, commodity or article is or may be transported or drawn. **[**;

(3) "Commissioner" means the state Commissioner of Weights and Measures.**]**

Sec. 29. Section 43-16b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The commissioner is authorized to enforce the provisions of this chapter and **[**he**]** may **[**issue**]** adopt, from time to time **[**,**]** and in accordance with chapter 54, reasonable regulations for the enforcement of this chapter. **[**, which regulations shall have the force and effect of law.**]**

Sec. 30. Section 43-16c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person who is a resident of the state of Connecticut, is **[**not less than**]** eighteen years of age or older, is of good moral character and has the ability to weigh accurately and **[**to**]** make correct weight certificates may apply to the commissioner for a public weighmaster license. **[**as a licensed public weigher.**]**

Sec. 31. Section 43-16d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

An application for a **[**license as a licensed public weigher**]** public weighmaster license shall be made upon a form prescribed by the commissioner, and the **[**application**]** applicant shall furnish evidence

that the applicant has the qualifications required [by] in section 43-16c, as amended by this act.

Sec. 32. Section 43-16e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The commissioner may adopt rules for determining the qualifications of [the applicant for a license as a licensed public weigher. He] applicants for a public weighmaster license. The commissioner may pass upon the qualifications of [the] each applicant upon the basis of the information supplied in [the] such applicant's application, or [he] the commissioner may examine such applicant orally or in writing, or both, for the purpose of determining [his] such applicant's qualifications. [He] The commissioner shall grant [licenses as licensed public weighers to such applicants as may be] a public weighmaster license to each applicant who is found to possess the qualifications required [by] in section 43-16c, as amended by this act. The commissioner shall keep a record of all such applications and of all licenses issued thereon.

Sec. 33. Section 43-16f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Before the issuance of any public weighmaster license, [as a licensed public weigher,] or any renewal thereof, the applicant shall pay to the commissioner a fee of forty dollars.

Sec. 34. Section 43-16g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The commissioner may, upon request and without charge, issue a limited public weighmaster license [as a licensed public weigher] to any qualified officer or employee of a state commission, board, institution or agency, authorizing such officer or employee to act as a [licensed public weigher] public weighmaster only within the scope of [his] such officer's or employee's official employment on behalf of [the] such state commission, board, institution or agency. [of which he is an officer or employee.]

Sec. 35. Section 43-16h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Each public weighmaster license **[**as licensed public weigher**]** shall expire annually. Renewal applications shall be in such form as the commissioner shall prescribe.

Sec. 36. Section 43-16i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The weight certificate issued by a **[**licensed public weigher**]** public weighmaster shall state the date of issuance, the kind of property, produce, commodity or article weighed, the name of the declared owner or agent of the owner or of the consignee of the material weighed, the accurate weight of the material weighed, the means by which the material was being transported at the time **[**it**]** such material was weighed, such other available information as may be necessary to distinguish or identify the property, produce, commodity or article from others of like kind, and such other information required by **[**statutes**]** the laws of this state or by regulations authorized to be issued for the enforcement of this chapter.

Sec. 37. Section 43-16j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

A **[**licensed public weigher**]** public weighmaster shall not enter on a weight certificate issued by **[**him**]** such public weighmaster any weight values **[**but such as he**]** other than those weight values which such public weighmaster has personally determined, and **[**he**]** such public weighmaster shall make no entries on a weight certificate issued by some other person. A weight certificate shall be so prepared as to show clearly that weight or weights were actually determined. If the certificate form provides for the entry of gross, tare **[**,**]** and net weights, in any case in which only the gross, the tare or the net weight is determined by the **[**weigher, he**]** public weighmaster, such public weighmaster shall strike through or otherwise cancel the printed entries for the weights not determined or computed. If gross and tare weights

are shown on a weight certificate and both of these were not determined on the same scale and on the day for which the certificate is dated, the **[**weigher**]** public weighmaster shall identify on the certificate the scale used for determining each such weight and the date of each such determination.

Sec. 38. Section 43-16k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

When making a weight determination as provided for by this chapter, a **[**licensed public weigher**]** public weighmaster shall use a weighing device that is of a type suitable for the weighing of the amount and kind of material to be weighed and that has been tested and approved for use by a weights and measures officer of this state within a period of twelve months immediately preceding the date of the weighing.

Sec. 39. Section 43-16*l* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

A **[**licensed public weigher**]** public weighmaster shall not use any scale to weigh a load the value of which exceeds the nominal or rated capacity of the scale. When the gross or tare weight of any vehicle or combination of vehicles is to be determined, the weighing shall be performed upon a scale having a platform of sufficient size to accommodate such vehicle or combination of vehicles fully, completely and as one entire unit. If a combination of vehicles must be broken up into separate units in order to be weighed as prescribed **[**herein**]** in this section, each such separate weight certificate shall be issued for each such separate unit.

Sec. 40. Section 43-16m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

A **[**licensed public weigher**]** public weighmaster shall keep and preserve, for at least one year **[**,**]** or such longer period as may be specified in the regulations authorized to be **[**issued**]** adopted for the

enforcement of this chapter, a legible carbon copy of each weight certificate issued by **[**him**]** such public weighmaster, which copies shall be open at all reasonable times for inspection by any weights and measures officer of this state.

Sec. 41. Section 43-16n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The following persons shall not be required, but shall be permitted, to obtain **[**licenses as licensed public weighers**]** a public weighmaster license: (1) A weights and measures officer when acting within the scope of **[**his**]** such officer's official duties, (2) a person weighing property, produce, commodities or articles that **[**he or his**]** such person, or such person's employer, if any, is either buying or selling, and (3) a person weighing property, produce, commodities or articles in conformity with the requirements of federal statutes or the **[**statutes**]** laws of this state relative to warehousemen or processors.

Sec. 42. Section 43-16o of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

No person shall assume the title **[**licensed public weigher**]** of public weighmaster, or any title of similar import, perform the duties or acts to be performed by a **[**licensed public weigher**]** public weighmaster under this chapter, hold **[**himself**]** such person out as a **[**licensed public weigher**]** public weighmaster, issue any weight certificate ticket, memorandum or statement for which a fee is charged, or engage in the full-time or part-time business of public weighing, unless **[**he**]** such person holds a valid license as a **[**licensed public weigher**]** public weighmaster. As used in this section, "public weighing" means the weighing for any person, upon request, of property, produce, commodities or articles other than those which the weigher or **[**his**]** the weigher's employer, if any, is either buying or selling.

Sec. 43. Section 43-16p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The commissioner is authorized to suspend or revoke the license of any [licensed public weigher] public weighmaster (1) when [he] the commissioner is satisfied, after a hearing upon ten days' notice to the licensee, that such licensee has violated any provision of this chapter or of any valid regulation of the commissioner affecting [licensed public weighers] public weighmasters, or (2) when a [licensed public weigher] public weighmaster has been convicted in any court of competent jurisdiction of violating any provision of this chapter or of any regulation issued under authority of this chapter.

Sec. 44. Section 43-16q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any person who requests a [licensed public weigher] public weighmaster to weigh any property, produce, commodity or article falsely or incorrectly, or who requests a false or incorrect weight certificate, or any person who issues a weight certificate simulating the weight certificate prescribed in this chapter and who is not a [licensed public weigher] public weighmaster, shall, for the first offense, be fined not less than twenty-five dollars or more than one hundred dollars and, for any subsequent offense, be guilty of a class C misdemeanor.

(b) Any [licensed public weigher] public weighmaster who falsifies a weight certificate, or who delegates [his] such public weighmaster's authority to any person not licensed as a [licensed public weigher] public weighmaster, or who preseals a weight certificate with [his] such public weighmaster's official seal before performing the act of weighing, shall be guilty of a class C misdemeanor.

(c) Any person who violates any provision of this chapter or any rule or regulation promulgated or adopted pursuant thereto for which no specific penalty has been provided shall be fined not less than twenty-five dollars or more than [one hundred] one thousand dollars.

(d) The Commissioner of Consumer Protection, after conducting a hearing in accordance with the provisions of chapter 54, may impose a civil penalty of not more than [one hundred dollars for the first offense

and not more than five hundred dollars for any subsequent offense**]** one thousand dollars per violation on any person who violates any provision of this chapter or any regulation adopted pursuant to this chapter. Each violation with respect to each such unit, certificate, device or scale shall be considered a separate offense.

Sec. 45. Section 43-20 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

"Bulk grains, feeds and feedstuffs", as used in this section and section 43-21, as amended by this act, means all such substances sold or offered for sale in loose form and delivered to or from a vehicle, truck, compartment or container in quantities of one hundred pounds or more. Quantity determination in the sale of bulk grains, feeds and feedstuffs shall be by avoirdupois weight. All bulk grains, feeds and feedstuffs sold or offered for sale in this state shall be sold or offered for sale in accordance with the provisions of this section and section 43-21, as amended by this act, except that the Commissioner of Consumer Protection may upon request approve in writing the use of other methods of determining the true net weight of the contents of the container, compartment, truck or vehicle used to transport such bulk grain, feeds or feedstuffs. No person shall deliver grains, feeds or feedstuffs in bulk without first having such grains, feeds or feedstuffs weighed by a public **[**weigher**]** weighmaster on stationary scales, suitable for the weighing of bulk grains, feeds or feedstuffs, which have been tested and scaled by an authorized sealer or inspector of weights and measures. Each vehicle, truck, compartment or container of bulk grains, feeds and feedstuffs while in transit delivery shall be accompanied by a delivery ticket and a duplicate original thereof, on which shall be distinctly expressed in ink or other indelible substance **[**(a)**]** (1) in pounds avoirdupois the gross and tare weights of the vehicle, truck, compartment or container; **[**(b)**]** (2) the net weight of bulk grains, feeds and feedstuffs contained in such vehicle, truck, compartment or container; **[**(c)**]** (3) the name and address of the seller; **[**(d)**]** (4) the name and address of the buyer; **[**(e)**]** (5) the signature and license number of the public **[**weigher**]** weighmaster; and **[**(f)**]** (6) the date of the weighing.

One of such duplicate delivery tickets shall be surrendered, upon demand, to any sealer or inspector of weights and measures for **[**his**]** such sealer's or inspector's inspection; and such ticket or, when such sealer desires to retain one of the duplicate tickets, a weight slip issued and signed and dated by the sealer or inspector shall be delivered to the buyer or his agent or representative at the time of delivery of such grains, feeds or feedstuffs, and the other duplicate ticket shall be retained by the seller for a period of one year, during which time it shall be subject to inspection by a sealer or inspector of weights and measures. If the buyer takes such grains, feeds or feedstuffs from the vendor's place of business, a delivery ticket in the form required by this section, signed by a licensed public **[**weigher**]** weighmaster, shall be given to the buyer or his agent at the time of delivery. No person shall sell or deliver, or attempt or offer to sell or deliver, less than the amount of such grains, feeds or feedstuffs represented by the delivery tickets therefor, provided a tolerance of five pounds to the ton shall be allowed. No public **[**weigher**]** weighmaster shall weigh grains, feeds or feedstuffs delivered to a vehicle, truck, compartment or container for transportation purposes and sign a delivery ticket therefor unless he has first weighed the vehicle, truck, compartment or container, empty, on the same scale, in order to determine the tare weight and the true net weight of the contents of the vehicle, truck, compartment or container.

Sec. 46. Section 43-21 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Each container, compartment, truck or vehicle containing grain, feeds or feedstuffs which have been weighed by a public **[**weigher**]** weighmaster shall have a lead-wire seal or seals affixed in such a manner that no loss or delivery of the contents may be made without destroying or mutilating the seal or seals. Each container, compartment, truck or vehicle transporting bulk grain, feeds or feedstuffs while in transit delivery shall remain sealed until delivery is completed. The actual net weight of the contents of a container, compartment, truck or vehicle of grain, feeds or feedstuffs shall be stated in the receipt or bill effecting deliveries between the seller and buyer of such grain, feeds or

feedstuffs. Grain, feeds or feedstuffs packed in bags or sacks used in bulk delivery to the buyer, when the bags and sacks are representative of the quantity contained in the container, compartment, truck or vehicle used for transporting or delivering such commodities, shall bear the name, brand or trademark under which the article is sold, and the net weight of the contents shall appear distinctly on a label or as a printed statement affixed to each bag or sack. The provisions of this section shall not apply to deliveries by barge or railway track car.

Sec. 47. Subsection (c) of section 43-27 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) No commercial dealer may sell fuel wood by weight or load or deliver fuel wood sold by weight in any vehicle for transportation unless such fuel wood is weighed by a **[**licensed public weigher**]** public weighmaster, as defined in section 43-16a, as amended by this act, on a stationary scale which has been tested and sealed by an authorized sealer or inspector of weights and measures. Any fuel wood sold by weight shall be accompanied by a delivery ticket in duplicate which shall contain the following information: (1) The gross weight of any vehicle transporting such fuel wood; (2) the net weight of such fuel wood; (3) whether such fuel wood is seasoned or green; (4) the price of such fuel wood by weight; (5) the name and license number of the **[**public weigher**]** public weighmaster; (6) the name and address of the buyer and the seller; and (7) the date of such transaction. The commercial dealer shall give the original of such ticket to the customer and shall retain the duplicate for at least one year, which copy shall be subject to inspection by any sealer or inspector of weights and measures. No such dealer may sell or deliver to any customer less than the amount of fuel wood represented on such delivery ticket. No **[**public weigher**]** public weighmaster may weigh fuel wood loaded on a vehicle for transportation unless **[**he**]** the public weighmaster has first weighed the vehicle empty on the same scale in order to determine the true net weight of such fuel wood. Any sealer or inspector of weights and measures may require that any vehicle for transportation of fuel wood

be weighed at the nearest public scale to verify the information recorded on any delivery ticket. If fuel wood is sold by weight, no commercial dealer may deliver more than one load of such fuel wood at a time.

Sec. 48. Section 43-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

All coal and coke sold, except in accordance with a written agreement with the purchaser otherwise, or offered for sale, in this state, shall be sold or offered for sale by weight. No person **[**, firm or corporation**]** shall deliver any coal or coke without first having the coal or coke weighed by a public **[**weigher**]** weighmaster on stationary scales suitable for the weighing of coal or coke, which have been tested and sealed by an authorized sealer or inspector of weights and measures. Such coal or coke shall be accompanied while in transit by a delivery ticket and a duplicate original thereof, on which shall be distinctly expressed in ink, or other indelible substance, in pounds, the weight of the coal or coke contained in the vehicle or other receptacle, together with the name and address of the seller, the name and address of the purchaser, the signature and license number of the public **[**weigher**]** weighmaster and the date of weighing, together with the number of bags or sacks of the commodity, when the bags or sacks are representative of the quantity contained in the vehicle used for transporting the coal or coke, provided coal or coke sold or offered for sale in this state in quantities of seventy-five pounds or less, in paper bags, sacks or similar containers, when the name and address of the dealer and the net contents of avoirdupois weight are distinctly and indelibly marked in ink or otherwise on the paper bags, sacks or similar containers, shall be exempt from the provisions of this section requiring delivery tickets and duplicates thereof. One of the duplicate delivery tickets shall be surrendered, upon demand, to any sealer or inspector of weights and measures for his inspection, and the ticket, or, when the sealer desires to retain one of the duplicate tickets, a weight slip, issued by the seller and signed and dated by the sealer or inspector, shall be delivered to the purchaser or his agent or representative, at the time of the delivery of the coal or coke, and the other duplicate ticket shall be retained by the seller for a period of one

year, subject to inspection by any sealer or inspector of weights and measures. If the purchaser or his agent takes the coal or coke from the seller's place of business, a delivery ticket in the form required by this section and signed by a public **[**weigher**]** weighmaster shall be given to the purchaser or his agent at the time of delivery. No person shall sell or deliver, or attempt to sell or deliver, or offer to sell or deliver less than the amount of coal or coke represented in the delivery tickets therefor, provided a tolerance at the rate of five pounds to the ton shall be allowed for unavoidable wastage and variation in scales. No public **[**weigher**]** weighmaster shall weigh coal or coke loaded on a vehicle for transportation thereon and sign a delivery ticket therefor, unless **[**he**]** such public weighmaster has first weighed the vehicle empty on the same day and on the same scales, in order to determine the true net weight of the load of coal or coke. Any person who violates any provision of this section shall be fined not more than two hundred dollars or imprisoned not more than six months or both.

Sec. 49. Section 43-31 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The quantity of all preheated petroleum products sold, offered for sale or delivered at retail shall be determined by weight, such weighing to be done by a public **[**weigher**]** weighmaster licensed by the state of Connecticut, who shall weigh such products in the containers or vehicles in which they are to be delivered and on scales that have been tested and sealed by an authorized sealer or inspector of weights and measures.

Sec. 50. Section 43-32 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Each vehicle or container of such petroleum products while in transit for delivery shall be accompanied by a delivery ticket and a duplicate original thereof, on which shall be distinctly expressed in ink or other indelible substance **[**(a)**]** (1) in pounds, the gross and tare weights of the vehicle or container; **[**(b)**]** (2) the net weight of such petroleum products contained in such vehicle or container and its specific gravity or the

gravity determined by accepted standard practice of using the formula of the American Petroleum Institute at sixty degrees Fahrenheit; **[**(c)**]** (3) the quantity of petroleum products so transported expressed in gallons or in barrels computed at forty-two gallons per barrel, the method of determining such gallonage or barrelage to be by accepted standard practice on the basis of the products being at a temperature of sixty degrees Fahrenheit; **[**(d)**]** (4) the name and address of the seller; **[**(e)**]** (5) the name and address of the purchaser; **[**(f)**]** (6) the signature and license number of the public **[**weigher**]** weighmaster; and **[**(g)**]** (7) the date of the weighing. One of such duplicate delivery tickets shall be surrendered upon demand to any sealer or inspector of weights and measures for **[**his**]** inspection, and such ticket or, when such sealer desires to retain one of the duplicate tickets, a weight slip issued and signed and dated by the sealer or inspector shall be delivered to the purchaser or **[**his**]** the purchaser's agent or representative at the time of delivery of such petroleum products, and the other duplicate ticket shall be retained by the seller for a period of one year, during which time it shall be subject to inspection by a sealer or inspector of weights and measures. If the purchaser takes such petroleum products from the vendor's place of business, a delivery ticket in the form required by this section, signed by a **[**licensed public weigher**]** public weighmaster, shall be given to the purchaser or **[**his**]** the purchaser's agent at the time of delivery. No person shall sell or deliver, attempt to sell or deliver or offer to sell or deliver less than the amount of such petroleum products represented by the delivery tickets therefor, provided a tolerance at the rate of five pounds to the ton shall be allowed.

Sec. 51. Section 43-33 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

No public **[**weigher**]** weighmaster shall weigh such petroleum products loaded on a vehicle or in a container for transportation and sign a delivery ticket therefor unless **[**he**]** the public weighmaster has secured the tare weight of the vehicle or the container in which such petroleum products are loaded for the purpose of delivery.

Sec. 52. Subsection (b) of section 51-164n of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 2-71h, 4b-13, 7-13, 7-14, 7-35 or 7-41, subsection (c) of section 7-66, section 7-83, 7-147h, 7-148, 7-283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-185, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 10a-35, 12-52, 12-54, 12-129b or 12-170aa, subdivision (3) of subsection (e) of section 12-286, section 12-286a, 12-292, 12-314b or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-476c, 12-487, 13a-266, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-253, 13a-263 or 13b-39f, subsection (f) of section 13b-42, section 13b-90 or 13b-100, subsection (a) of section 13b-108, section 13b-221 or 13b-292, subsection (a) or (b) of section 13b-324, section 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414 or 14-4, subdivision (2) of subsection (a) of section 14-12, subsection (d) of section 14-12, subsection (f) of section 14-12a, subsection (a) of section 14-15a, section 14-16c, 14-20a or 14-27a, subsection (f) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-44j, 14-49, 14-50a, 14-58 or 14-62a, subsection (b) of section 14-66, section 14-66a or 14-67a, subsection (g) of section 14-80, subsection (f) or (i) of section 14-80h, section 14-97a or 14-98, subsection (a), (b) or (d) of section 14-100a, section 14-100b, 14-103a, 14-106a, 14-106c, 14-145a, 14-146, 14-152, 14-153, 14-161 or 14-163b, subsection (f) of section 14-164i, section 14-213b or 14-219, subdivision (1) of section 14-223a, subsection (d) of section 14-224, section 14-240, 14-250, 14-253a, 14-261a, 14-262, 14-264, 14-266, 14-267a, 14-269, 14-270, 14-272b, 14-274, 14-275 or 14-275a, subsection (c) of section 14-275c, section 14-276, subsection (a) or (b) of section 14-277, section 14-278, 14-279 or 14-280, subsection (b), (e) or (h) of section 14-283, section 14-283d, 14-283e, 14-283f, 14-283g, 14-291, 14-293b, 14-296aa, 14-298a, 14-300, 14-300d, 14-300f, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section

15-15e, 15-25 or 15-33, subdivision (1) of section 15-97, subsection (a) of section 15-115, section 16-15, 16-16, 16-44, 16-256e, 16-278 or 16a-15, subsection (a) of section 16a-21, section 16a-22, subsection (a) or (b) of section 16a-22h, section 16a-106, 17a-24, 17a-145, 17a-149 or 17a-152, subsection (b) of section 17a-227, section 17a-465, subsection (c) of section 17a-488, section 17b-124, 17b-131, 17b-137, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-102a, 19a-102b, 19a-105, 19a-107, 19a-113, 19a-215, 19a-216a, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-442, 19a-502, 19a-565, 20-7a, 20-14, 20-153a, 20-158, 20-231, 20-233, 20-249, 20-257, 20-265, 20-324e, 20-329c or 20-329g, subsection (b) of section 20-334, section 20-341*l*, 20-366, 20-482, 20-597, 20-608, 20-610, 20-623, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48 or 21-63, subsection (d) of section 21-71, section 21-76a or 21-100, subsection (c) of section 21a-2, subdivision (1) of section 21a-19, section 21a-20 or 21a-21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26, **[**or 21a-30,**]** subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63, 21a-70b or 21a-77, subsection (b) or (c) of section 21a-79, as amended by this act, section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159, section 21a-278b, subsection (c), (d) or (e) of section 21a-279a, section 21a-415a, 21a-421eee, 21a-421fff **[**,**]** or 21a-421hhh, subsection (a) of section 21a-430, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-30, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39f, 22-49, 22-54, 22-61j or 22-61*l*, subdivision (1) of subsection (n) of section 22-61*l*, subsection (f) of section 22-61m, subdivision (1) of subsection (f) of section 22-61m, section 22-84, 22-89, 22-90, 22-96, 22-98, 22-99, 22-100 or 22-111o, subsection (d) of section 22-118*l*, section 22-167, subsection (c) of section 22-277, section 22-278, 22-279, 22-280a, 22-318a, 22-320h, 22-324a or 22-326, subsection (b), subdivision (1) or (2) of subsection (e) or subsection (g) of section 22-344, subsection (a) or (b) of section 22-344b, subsection (d) of section 22-344d, section 22-344f, 22-350a, 22-354, 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22-415c, 22a-66a or 22a-246, subsection (a) of section 22a-250, section 22a-256g, subsection (e) of section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-450, 22a-461, 23-4b, 23-38, 23-45,

23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-43, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-114a, 26-117, subsection (b) of section 26-127, 26-128, 26-128a, 26-131, 26-132, 26-138, 26-139 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-231, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-280, 26-284, 26-285, 26-286, 26-287, 26-288, 26-290, 26-291a, 26-292, 26-294, 27-107, 28-13, 29-6a, 29-16, 29-17, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e), (g) or (h) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316 or 29-318, subsection (b) of section 29-335a, section 29-381, 30-19f, 30-48a or 30-86a, subsection (b) of section 30-89, subsection (c) or (d) of section 30-117, section 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-47 or 31-48, subsection (b) of section 31-48b, section 31-51, 31-51g, 31-52, 31-52a, 31-53 or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, 31-348, 33-624, 33-1017, 34-13d or 34-412, subdivision (1) of section 35-20, subsection (a) of section 36a-57, subsection (b) of section 36a-665, section 36a-699, 36a-739, 36a-787, 38a-2 or 38a-140, subsection (a) or (b) of section 38a-278, section 38a-479qq, 38a-479rr, 38a-506, 38a-548, 38a-626, 38a-680, 38a-713, 38a-733, 38a-764, 38a-786, 38a-828, 38a-829, 38a-885, 42-133hh, 42-230, 42-470 or 42-480, subsection (a) or (c) of section 43-16q, as amended by this act, section 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46a-81b, 46b-22, 46b-24, 46b-34, 46b-38d, 47-34a, 47-47 or 47-53, subsection (i) of section 47a-21, subdivision (1) of subsection (k) of section 47a-21, section 49-2a, 49-8a, 49-16, 52-143 or 52-289, subsection (j) of section 52-362, section 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-290a, 53-302a, 53-303e, 53-311a, 53-314, 53-321, 53-322, 53-323 or 53-331, subsection (b) of

section 53-343a, section 53-344, subsection (b) or (c) of section 53-344b, subsection (b) of section 53-345a, section 53-377, 53-422 or 53-450 or subsection (i) of section 54-36a, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.

Sec. 53. Sections 21a-27 to 21a-30, inclusive, of the general statutes are repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	*from passage*	20-426(a)
Sec. 2	*from passage*	20-432
Sec. 3	*from passage*	20-500
Sec. 4	*from passage*	New section
Sec. 5	*from passage*	20-523(a)
Sec. 6	*from passage*	20-529(a) and (b)
Sec. 7	*from passage*	20-529a
Sec. 8	*from passage*	20-529b(c) to (e)
Sec. 9	*from passage*	20-529c
Sec. 10	*from passage*	20-529d(a)
Sec. 11	*from passage*	20-529e
Sec. 12	*from passage*	21-71(b)
Sec. 13	*from passage*	21a-4(c) to (f)
Sec. 14	*from passage*	21a-79(b) to (d)
Sec. 15	*from passage*	21a-79b(e)
Sec. 16	*from passage*	21a-96
Sec. 17	*from passage*	21a-101a(b)
Sec. 18	*from passage*	21a-217
Sec. 19	*from passage*	21a-218
Sec. 20	*from passage*	21a-219(c)
Sec. 21	*from passage*	21a-223(a)

Sec. 22	*from passage*	21a-226(f) to (l)
Sec. 23	*from passage*	21a-227(a)
Sec. 24	*from passage*	25-133
Sec. 25	*from passage*	42-110d(b) to (d)
Sec. 26	*from passage*	42-110aa(a) to (c)
Sec. 27	*from passage*	42-133ff(a) to (f)
Sec. 28	*from passage*	43-16a
Sec. 29	*from passage*	43-16b
Sec. 30	*from passage*	43-16c
Sec. 31	*from passage*	43-16d
Sec. 32	*from passage*	43-16e
Sec. 33	*from passage*	43-16f
Sec. 34	*from passage*	43-16g
Sec. 35	*from passage*	43-16h
Sec. 36	*from passage*	43-16i
Sec. 37	*from passage*	43-16j
Sec. 38	*from passage*	43-16k
Sec. 39	*from passage*	43-16*l*
Sec. 40	*from passage*	43-16m
Sec. 41	*from passage*	43-16n
Sec. 42	*from passage*	43-16o
Sec. 43	*from passage*	43-16p
Sec. 44	*from passage*	43-16q
Sec. 45	*from passage*	43-20
Sec. 46	*from passage*	43-21
Sec. 47	*from passage*	43-27(c)
Sec. 48	*from passage*	43-28
Sec. 49	*from passage*	43-31
Sec. 50	*from passage*	43-32
Sec. 51	*from passage*	43-33
Sec. 52	*from passage*	51-164n(b)
Sec. 53	*from passage*	Repealer section

Statement of Legislative Commissioners:

In Section 3(15), ", as amended from time to time" was added after "103 Stat. 183" for consistency with standard drafting conventions; in Section 13(c), ", but not limited to," was added after "including" for consistency with standard drafting conventions; in Section 13(d), "without approval of a renewal application for such license, permit, certificate or registration by the department" was changed to "unless the department has approved a renewal application for such license, permit, certificate

or registration" for clarity; in Section 19(a), "a licensed physician assistant," was added after "**[**or**]**" for consistency; in Section 22(f)(1), "an owner" was changed to "a buyer" for consistency; in Section 22(f)(2)(B), "pursuant to said subdivision (1)" was changed to "pursuant to subdivision (1)" for internal consistency; in Section 22(k), "his" was bracketed and "the buyer's" was added after the closing bracket for clarity; in Section 26(a)(2)(A), "will" was changed to "shall" for consistency; in Section 26(a)(2)(A)(i), "refund in the form of a" was added before "store credit" for internal consistency; in Section 26(a)(3), "person's refund or exchange" was added after "such" for clarity, and "refund in the form of a" was added before "store credit" for consistency; and in Section 52(b)(1), "section 21a-415a, section 21a-421eee, 21a-421fff, 21a-421hhh" was changed to "section 21a-415a, 21a-421eee, 21a-421fff **[**,**]** or 21a-421hhh" for consistency with standard drafting conventions.

GL *Joint Favorable Subst.*

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

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 25 $	FY 26 $
Consumer Protection, Dept.	Home Improvement Guaranty Fund - Revenue Impact	See Below	See Below
Resources of the General Fund	GF - Revenue Impact	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various changes regarding the Department of Consumer Protection (DCP) licensing and enforcement laws resulting in the potential revenue impact described below.

Section 2 expands consumers eligibility to make claims from the Home Improvement Guaranty Fund[1] resulting in a potential revenue loss to the fund to the extent this results in additional restitution payments. In FY 23 there were 148 restitution claims paid from the fund totaling over $1.5 million.

Section 2 also makes home improvement contractor owners and their

[1]The Department of Consumer Protection maintains the Home Improvement Guaranty Fund. This fund was created and is replenished from annual assessments of registered contractors and can be used to help satisfy an unpaid judgment (or court-confirmed arbitration decision) to a homeowner. A homeowner may be eligible for up to $25,000 from the Fund if they had hired a registered home improvement contractor and the resulting problem meets certain criteria.

business entities liable for repayment of certain debts resulting in a potential revenue gain to the Home Improvement Guaranty Fund to the extent these repayments occur.

Section 5 allows DCP to issue a civil penalty to anyone engaging in real estate appraisal business without obtaining a certification resulting in a potential revenue gain to the state to the extent these violations occur and civil penalties are assessed.

Section 16 increases the maximum civil penalty that DCP can assess from $500 to $5,000 on anyone who removes the tag or marking on an embargoed item resulting in a potential revenue gain to the state to the extent these violations occur and civil penalties over $500 are assessed.

Section 21 removes DCP's ability to impose a civil penalty of up to $300 for any health club that offers contracts without submitting a license renewal within a certain time period resulting in a potential revenue loss to the state to the extent these violations occur.

Section 25 allows DCP to impose civil penalties of up to $5,000 for an unfair trade practice violation resulting in a potential revenue gain to the state to the extent violations occur and civil penalties are assessed.

Section 44 increases the maximum fine for public weigher violations from $100 to $1,000 and the maximum civil penalty to $1,000 per violation resulting in a potential revenue gain to the state to the extent violations occur.

Sections 52 and 53 repeals duplicative food standard statutes which increase the penalties for violations[2] by imposing the Uniform Food, Drug, and Cosmetic Act penalties which result in a potential revenue gain to the extent violations occur.

The bill also makes various minor, technical, and conforming changes which result in no fiscal impact to the state or municipalities.

[2]Fines for a first offense increase from up to $100 to up to $500 and second offense fines increase from up to $500 to up to $1,000.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations and fines assessed.

OLR Bill Analysis

sHB 5236

AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING CONSUMER PROTECTION AND PROFESSIONAL LICENSING, CERTIFICATION, PERMITTING AND REGISTRATION.

TABLE OF CONTENTS:

or be licensed, (2) the inspection report to address specific areas, and (3) timelines for submission of the report

§ 13 — RENEWALS AND INCOMPLETE APPLICATIONS FOR CREDENTIALS

Allows DCP discretion in whether to accept renewal applications after a credential has expired; requires applicants to pay all outstanding fees before renewal; and allows DCP to consider certain incomplete applications expired and withdrawn

§ 14 — BUSINESSES SUBJECT TO THE ELECTRONIC PRICE SCANNING AND GET ONE FREE LAWS

Presumably extends certain electronic price scanning and "get one free" laws so that they apply to additional types of business entities

§ 15 — EXEMPTION FROM GET ONE FREE LAW FOR COMMODITIES WITHOUT BAR CODES

Expands the number of businesses subject to the state's other "get one free" law applicable to consumer commodities without bar codes by narrowing the exemption from this law

§§ 16 & 17 — FOOD, DRUG, AND COSMETIC SEIZURES AND EMBARGOES

Allows the DCP commissioner to extend an embargo period for food, drugs, devices, or cosmetics and to institute a civil action in Superior Court to embargo them; requires him to embargo or destroy certain kinds of these articles; generally prohibits anyone from altering or opening an embargoed article; and increases the maximum penalty for anyone who removes the tag or marking on an article

§§ 18-23 — HEALTH CLUBS

Makes various changes to the health club laws, including updating contract requirements, eliminating a penalty provision, allowing DCP to make guaranty fund payments for uncontested cases without a hearing, and amending certain notice requirements

§ 24 — HARDSHIP EXEMPTIONS FROM WELL DRILLING WATER REQUIREMENTS

Transfers, from the plumbing and piping work examining board to local health directors, authority to grant hardship exemptions from well drilling requirements related to the purity, potability, and safeguarding of well water

§ 25 — CONNECTICUT UNFAIR TRADE PRACTICES ACT (CUTPA)

Allows DCP to receive electronic copies of documents of anyone being investigated or proceeded against under CUTPA; provides DCP additional options for sending certain investigative and enforcement documents; allows testimony in CUTPA proceedings to be recorded rather than transcribed and eliminates the requirement that it be filed with DCP; and allows DCP to impose a civil penalty of up to $5,000 for CUTPA violations

§ 26 — RETURN OR EXCHANGE POLICIES

Establishes new requirements for businesses to post and disclose their refund and exchange policies and requires these policies to include specified disclosures; requires businesses that do not disclose their policies to give refunds or allow exchanges under certain conditions; makes various other minor, technical, and conforming changes on returns and exchanges

§ 27 — NOTICE OF HEARING FOR CERTAIN PAYMENT TYPE VIOLATIONS

Specifies DCP must provide a notice and hold a hearing before issuing a fine for specified violations related to surcharges, minimum transaction amounts, and discounts based on certain payment methods

§§ 28-51 — PUBLIC WEIGHMASTER

Renames a "licensed public weigher" as a "public weighmaster" and replaces "licensed public weigher" with "public weighmaster" in statutes; increases the maximum penalty for violating the public weigher laws

§ 52 — E-CIGARETTE PENALTIES PAID BY MAIL

Allows certain e-cigarette penalties to be paid by mail to the Centralized Infractions Bureau without appearing in court

§§ 52 & 53 — REPEAL OF VARIOUS PROVISIONS ON MAKING AND SELLING CERTAIN STAPLE FOODS

Repeals duplicative statutes related to food standards for certain staple foods (e.g., flour, bread, rolls); increases the penalties by imposing the Uniform Food, Drug, and Cosmetic Act penalties

BACKGROUND

SUMMARY

This bill makes various changes in the Department of Consumer

Protection's (DCP) credentialing and enforcement laws, including:

1. allowing consumers to recover from the Home Improvement Guaranty Fund regardless if the home improvement contractor's (HIC) registration is held by an individual or a business (§ 2);

2. adding procedures and other requirements for when DCP orders independent inspections of mobile manufacturer home parks (§ 12);

3. allowing DCP to decide whether to accept renewal applications after a credential has expired and requiring applicants to pay all outstanding fees before renewal (§ 13);

4. presumably extending certain electronic price scanning and "get one free" laws so that they apply to additional types of business entities and expanding the number of businesses subject to the state's "get one free" law applicable to consumer commodities without bar codes (§§ 14 & 15);

5. amending the process for DCP's food, drug, and cosmetic seizures and embargoes by, among other things, allowing the commissioner to extend an embargo period, requiring him to destroy certain articles, and increasing certain penalties (§§ 16 & 17);

6. making various changes to the health club laws, including updating contract requirements, allowing DCP to make guaranty payments for uncontested cases without a hearing, and amending certain notice requirements (§§ 18-23);

7. making various changes to the Connecticut Unfair Trade Practices Act (CUTPA), including allowing DCP to impose civil penalties after an administrative hearing and updating provisions on investigations and notices to include electronic methods (§ 25);

8. establishing new requirements for businesses to post and disclose their refund and exchange policies and requiring these

policies to include specified disclosures (§ 26); and

9. making various minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage

§§ 1 & 2 — HOME IMPROVEMENT CONTRACTORS AND GUARANTY FUND

Explicitly authorizes DCP to discipline an HIC or salesperson for doing home improvement work without a proper contract and allows consumers to recover from the guaranty fund regardless if their HIC's certificate of registration is held by an individual or a business entity

DCP Enforcement (§ 1)

By law, the DCP commissioner may revoke, suspend, refuse to issue, or refuse to renew a registration of; put on probation; or reprimand an HIC or salesperson for, among other things, violating any provision of the state's home improvement laws. The bill explicitly authorizes the commissioner to take these disciplinary actions against them for engaging in or practicing home improvement work without a contract containing provisions required by a specific home improvement statute.

Under this statute, HICs must provide a completed copy of a home improvement contract at the time it is executed. It also requires contracts to include certain provisions for them to be enforceable. Among other things, they must meet the following requirements:

1. be written, dated, and signed by both parties;

2. include the entire agreement;

3. identify the contractor and state his or her address and registration number;

4. include a notice of cancellation rights in accordance with the Home Solicitation Sales Act;

5. include starting and completion dates;

6. be entered into by a registered contractor or salesperson; and

7. include a provision disclosing each legal entity that is or has been a home improvement or new home construction contractor in which the owner or owners of the HIC are or were shareholders, members, partners, or owners within the past five years (CGS § 20-429).

Home Improvement Guaranty Fund (§ 2)

The bill allows consumers who suffer losses or damages because of an HIC to recover from the Home Improvement Guaranty Fund regardless if their HIC's certificate of registration is held by an individual or a business entity.

By law, the Home Improvement Guaranty Fund reimburses up to $25,000 per claim to consumers who are unable to recover losses caused by registered HICs for contracts valued over $200.

Current law requires the consumer to obtain a binding arbitration decision; court judgment, order, or decree; or specific type of restitution order against his or her registered HIC within two years of contracting with the HIC. For the purposes of being eligible to recover from the guaranty fund, the bill expands who the requisite decision, judgment, order, or decree may be against to include an individual who has an ownership interest in the contractor where the HIC certificate is held by a business entity.

The bill also makes these HIC owners and their business entities joint and severally liable for debts to the guaranty fund when the DCP commissioner orders payment to a consumer out of the fund based on a decision, court judgment, order, or decree of restitution against an HIC owner found to have presumably violated the Home Improvement Act. (The bill incorrectly references the New Home Construction Act (Chapter 399a), which has a similar but separate fund (the New Home Construction Guaranty Fund) to address new home construction contractor violations; the Home Improvement Guaranty Fund only reimburses consumers for registered HIC violations (Chapter 400).)

The bill also makes various technical and conforming changes to

effectuate these changes.

§§ 3-4 & 6-11 — APPRAISAL MANAGEMENT COMPANIES

Changes the current exemptions for certain federally regulated appraisal management companies from state registration and other requirements but generally carries them forward for similar companies; requires these companies to report to DCP information the department is required to submit under federal law; and allows the DCP commissioner to adopt regulations on that reporting requirement and for investigating appraisal management company violations

Federally Regulated Appraisal Management Companies (§§ 3-4 & 6-10)

Existing law imposes several requirements on appraisal management companies, including that they must register with DCP before providing services. However, these requirements do not currently apply to appraisal management companies that are a subsidiary owned and controlled by a financial institution regulated by a federal financial institution regulatory agency. This is because these companies (and certain others) are excluded from the statutory definition of "appraisal management company."

The bill eliminates this exclusion for these companies but effectively carries forward existing exemptions for companies that are like them. It does so by creating a statutory definition for federally regulated appraisal management companies and specifically exempting them from the state's requirements for other appraisal management companies. Under the bill, a "federally regulated appraisal management company" is an appraisal management company that is owned and controlled by an "insured depository institution" (i.e., any bank or savings association that is Federal Deposit Insurance Corporation (FDIC) insured (12 U.S.C. § 1813)) and regulated by the Office of the Comptroller of the Currency, the Federal Reserve System governors, or the FDIC.

But, under the bill, these companies must report to DCP, in a manner the department prescribes, the information the DCP commissioner is required to submit to the appraisal subcommittee of the Federal Financial Institutions Examination Council under Title XI of the Financial Institutions, Reform, Recovery and Enforcement Act of 1989,

P.L. 101-73, 103 Stat. 183 (FIRREA) and its regulations, or any policy or rule the subcommittee establishes.

The bill also requires federally regulated appraisal management companies to pay DCP an annual registry fee in an amount the appraisal subcommittee determines, in accordance with federal law. The DCP commissioner must transmit the annual registry fee to the appropriate federal regulatory entity in accordance with Title XI of FIRREA and its regulations, or any subcommittee-established policy or rule.

Regulations (§ 11)

The bill expands the DCP commissioner's authority to adopt regulations on appraisal management companies. It does so by allowing him to adopt regulations for investigating appraisal management company violations and on the bill's requirements for federally regulated appraisal management companies.

§ 5 — REAL ESTATE APPRAISAL BUSINESS PENALTIES

Builds on existing penalties for those who engage in the real estate appraisal business without a credential by subjecting them to civil penalties and making them ineligible for a credential for one year

Under existing law, anyone who engages in the real estate appraisal business without obtaining a certification or provisional license is (1) subject to a fine up to $1,000, up to six months imprisonment, or both and (2) ineligible to obtain a certification or provisional license for one year after being convicted.

The bill further subjects these violators to civil penalties after a DCP administrative hearing and makes them ineligible to obtain a certification or provisional license for one year from the date of a final decision rendered after the DCP administrative hearing.

However, by law and under the bill, the Connecticut Real Estate Appraisal Commission may grant a certification or provisional license to a violator during his or her one-year ineligibility period upon application and after a hearing.

§ 12 — MOBILE MANUFACTURER HOME PARK INDEPENDENT INSPECTIONS

Adds procedures and other requirements for when DCP orders independent inspections of mobile manufacturer home parks, including requiring (1) those who do the inspection to have training or be licensed, (2) the inspection report to address specific areas, and (3) timelines for submission of the report

By law, as part of an inspection or investigation, DCP may order a mobile manufactured home park owner to have an independent inspection report done, at the owner's cost, that assesses the condition and potential public health impact of a condition at the park (e.g., the condition of trees and electrical, plumbing, or sanitary systems). The bill adds several procedures and requirements related to this authority.

Reporter Qualifications and Other Changes

Under the bill, for these independent inspection reports, DCP may require the (1) person completing the report to have training or be licensed in a particular area related to the ordered inspection and (2) report to specifically address particular areas of, or issues affecting, the park that DCP is concerned with.

If DCP requires the person completing the report to have training or have a license in a particular area, the department must include the requirement in the first order it issues to the owner requiring the report.

The owner must submit proof of compliance with the above requirements at the time he or she submits the independent inspection report to the department.

Notification Procedure

Under the bill, if DCP orders an owner to get an independent inspection report as part of his or her license application or renewal, the department must issue the order to the owner's email address from his or her most recent DCP application. The order must provide a description of the condition or conditions that require the owner to further assess.

Additional Report Procedures and Requirements

The bill requires the owner to obtain and submit to DCP an

independent inspection report within 30 days of the department's order for it, unless the commissioner or his designee approves a later date in writing.

The independent inspection report must include an assessment of all conditions outlined in the DCP order requiring the report to assess the risk that the conditions pose to public health and safety. The report must also assess the severity of the conditions and have a detailed plan of action to remedy each condition.

The bill requires owners, within 10 days of receiving the independent inspection report, to provide DCP with a written, detailed plan to remedy the assessed condition. The plan must at least include a specific timeline, proposed contractors, and a budget.

§ 13 — RENEWALS AND INCOMPLETE APPLICATIONS FOR CREDENTIALS

Allows DCP discretion in whether to accept renewal applications after a credential has expired; requires applicants to pay all outstanding fees before renewal; and allows DCP to consider certain incomplete applications expired and withdrawn

The bill makes several changes affecting applications for DCP licenses, permits, certificates, and registrations (collectively, "credentials"). Existing law allows the DCP commissioner to impose a late fee on any applicant who fails to renew a credential before it expires. The late fee amount must be 10% of the renewal fee but be between $10 and $100. Under the bill, before the commissioner renews the credential, the applicant must pay all outstanding fees owed to DCP, including the late fee.

Under current law, if a renewal application is submitted within 90 days after the credential's expiration, the applicant must pay the late fee, but does not need to apply for reinstatement. The bill instead provides DCP discretion in whether to accept the renewal application if it is submitted in the same timeframe. It also expressly prohibits any lapsed-credential holder from engaging in any activity for which an active credential is required, without DCP approving the renewal application for the credential.

Unless waived by DCP in writing, the bill allows the department to deem any incomplete application to have expired and been withdrawn six months after it was submitted. By law, application fees are generally non-refundable.

§ 14 — BUSINESSES SUBJECT TO THE ELECTRONIC PRICE SCANNING AND GET ONE FREE LAWS

Presumably extends certain electronic price scanning and "get one free" laws so that they apply to additional types of business entities

Current law generally imposes requirements on any person who, or association, corporation, firm, or partnership that, uses universal product coding or an electronic pricing system. The bill eliminates references to those specific types of business entities and, in doing so, appears to extend the requirements to all legal persons without limitation (i.e., so that they apply to additional types of business entities) (see CGS § 1-1(k)).

For businesses added under the bill, if they use universal product coding, then, by law, they must mark each consumer commodity that has a universal product code (UPC) with its retail price. However, there are several exceptions to this requirement, including if someone has been approved for an exemption by DCP, which, among other conditions, requires reinspection of price scanners if they are less than 98% accurate during a price accuracy inspection. Current law allows a reinspection without penalty but charges a $250 reinspection fee. The bill specifies that this fee must be paid before reinspection.

By law, a "consumer commodity" is any food, drug, device, cosmetic, product, or commodity of any other class, except prescription drugs, that is customarily produced for retail sale; for individual consumption, personal care, or household purposes and is usually consumed or expended during consumption or use. It does not include alcoholic liquor or carbonated soft drink containers (CGS § 21a-79(a)).

Additionally, for businesses added under the bill, if they have a retail sales area of at least 10,000 square feet and use an electronic pricing system to total a consumer's purchases, then, by law, they must

generally provide an item-by-item digital display that a consumer can see as each UPC is scanned.

Get One Free Law

The bill also appears to extend one of the state's "get one free" laws to the businesses added under the bill. Under this law, consumers are generally entitled to receive a consumer commodity for free, up to a $20 value, if the electronically scanned price for it is higher than its posted price.

§ 15 — EXEMPTION FROM GET ONE FREE LAW FOR COMMODITIES WITHOUT BAR CODES

Expands the number of businesses subject to the state's other "get one free" law applicable to consumer commodities without bar codes by narrowing the exemption from this law

The bill expands the number of businesses subject to the state's other "get one free" law that is generally applicable to "consumer commodities" (see above) without bar codes, including retail foods that must be weighed at purchase. Under this law, certain businesses are generally required to give the commodity to a consumer for free, up to a $20 value, if its price at the point of sale is higher than its advertised or posted price.

However, there are several exceptions to this requirement under current law, including a broad exemption that applies to any person, association, corporation, firm, or partnership operating in a retail sales area that is 10,000 square feet or less. The bill narrows this exemption by decreasing the maximum qualifying retail sales area to 1,500 square feet.

§§ 16 & 17 — FOOD, DRUG, AND COSMETIC SEIZURES AND EMBARGOES

Allows the DCP commissioner to extend an embargo period for food, drugs, devices, or cosmetics and to institute a civil action in Superior Court to embargo them; requires him to embargo or destroy certain kinds of these articles; generally prohibits anyone from altering or opening an embargoed article; and increases the maximum penalty for anyone who removes the tag or marking on an article

The bill makes several changes regarding DCP's authority to enforce the Connecticut Food, Drug, and Cosmetic Act. Existing law generally allows the DCP commissioner or his authorized agent to attach a tag or

other appropriate marking to any food, drug, device, or cosmetic that is for sale or distribution that he or she has probable cause to believe violates the act and embargo the article.

Embargo Notice

Under current law, DCP attaching a tag or other appropriate marking functions as giving notice to the common carrier or other person in custody of the article that it is, or is suspected of being, in violation of the act and has been embargoed. The bill specifies that this is a form of written notice and limits the department's ability to make these attachments or markings to before or at the time the article is embargoed.

Embargo Extension and Civil Action to Continue

The bill allows the commissioner to extend an article's embargo period if a reinspection of it indicates the violation has continued. He must do this within 21 days of the embargo, which is the deadline under existing law by which he must either remove the embargo or bring a summary proceeding.

The bill requires the proceeding to be done under Uniform Administrative Procedure Act (UAPA) procedures and for the purpose of embargoing the article, rather than confiscating it as under current law. Besides removing the embargo or bringing a summary proceeding, the bill adds a third option by allowing the commissioner to institute a civil action in Superior Court to embargo the article. It also makes related technical and conforming changes to incorporate the new civil action in Superior Court and differentiate it from the administrative proceedings.

Alteration and Opening of Embargoed Article

The bill prohibits anyone from altering or opening an embargoed article without DCP's permission or, after a summary proceeding or civil action has begun, the hearing officer's or court's permission. Existing law already prohibits removing or disposing of embargoed articles.

Complaint

The bill eliminates the requirement that summary proceeding complaints be verified by affidavit. It also specifies that the complaint must be against the person who has custody of the article to be embargoed.

Seizure

The bill eliminates the requirement that courts issue a seizure warrant for embargoed articles once a verified complaint is filed. It also removes related process requirements about how a person is to be summoned, the hearing procedures, claim filings, and what happens if the seized article is not injurious to health.

Confiscation and Destruction

After a hearing, the bill allows, rather than requires, certain articles that violate the act to be confiscated and destroyed. Specifically, DCP may confiscate them or the hearing officer or court can order the respondent or defendant to destroy them at their direction.

Under the bill, if there is an adverse ruling against the respondent or defendant, then he or she is liable for all costs and expenses DCP incurred in investigating, containing, removing, monitoring, mitigating, and disposing of the embargoed product, as well as any associated legal expenses.

Embargo or Destroy

Current law requires the commissioner or his authorized agent, whenever he or she finds any meat, seafood, poultry, vegetable, fruit, or other perishable article under certain conditions, to condemn or destroy it without delay to make the item impossible to sell as human food. The bill replaces the option of condemning the food with embargoing it. As under existing law, the conditions for the food to be embargoed or destroyed are when it (1) is found in a room, building, other structure, or vehicle and (2) is unsound; contains any filthy, decomposed, or putrid substance; may be poisonous or harmful to health; or is otherwise unsafe.

Similarly, the bill requires the commissioner or his authorized agent, whenever he or she finds any adulterated or insanitary pharmaceutical drug, medical device, or drug paraphernalia under certain conditions, to embargo or destroy it without delay to make the item impossible to sell. DCP must do so for these items it finds in a room, building, other structure, or vehicle, that are produced, packed, or held under insanitary conditions; are unsafe or not shown to be safe; or may be contaminated by filth or be harmful or injurious to health.

Penalty

The bill increases the maximum civil penalty that the DCP commissioner may impose on anyone who removes the tag or marking on an article from $500 to $5,000, and allows him to also penalize those who offer or expose the article for sale. By law, the commissioner may only impose this civil penalty after notice and hearing, but may do so for each separate offense.

§§ 18-23 — HEALTH CLUBS

Makes various changes to the health club laws, including updating contract requirements, eliminating a penalty provision, allowing DCP to make guaranty fund payments for uncontested cases without a hearing, and amending certain notice requirements

Right to Cancel (§ 18)

Existing law requires every health club services contract to be cancelable within three business days after the buyer receives a copy of the contract in writing. The bill requires health clubs to deliver this copy with delivery tracking, rather than by certified or registered U.S. mail.

The bill also modifies the items a health club may ask a buyer to return if they cancel within this three-day period. Under current law, a club may ask for the return of contract forms, membership cards, and all documents and evidence of membership previously delivered. The bill instead only allows clubs to ask for any delivered cards or equipment that were part of the membership.

Medical Disability (§§ 18 & 19)

By law, each contract must allow a buyer who becomes disabled to (1) be relieved of paying for the part of the contract term for which he or

she is disabled or (2) extend the contract for the disability's duration, but the club has the right to require and verify reasonable evidence of the disability.

Current law (1) allows the club to require a signed certificate by a licensed physician, physician assistant, or advanced practice registered nurse and (2) requires the club to include in the contract certain disclosures about a buyer's rights after being disabled. The bill (1) eliminates the signed certificate requirement option and instead allows the club to require documentation from one of these professionals or other credentialed medical providers (which the bill does not define) and (2) requires the disclosure to state that a buyer may send written notice of the disability electronically.

The bill also eliminates provisions (1) allowing the contract to require the buyer to submit to a physical examination by one of these professionals at the health club's expense, and (2) requiring the health club to notify the buyer whether it will require the examination.

Cancellation at a Closer Location (§ 19)

Current law allows a buyer to cancel his or her contract under certain conditions at the health club location where he or she entered the contract. The bill additionally allows a buyer to do so at the location closest to his or her primary residence. As under existing law, buyers may cancel under the three-day cancellation provision or because they moved more than 25 miles away from the club or the club closed.

Statement of Buyer's Right to Cancel (§ 19)

The bill makes conforming changes to the contract's required statement of the consumer's rights to reflect the bill's changes on (1) items a club may request to be returned, (2) medical disability requirements, and (3) allowing a buyer to cancel at the location closest to his or her primary residence. It also increases the required font size from 10-point bold type to at least 12-point font at the top of the contract. As under current law, the statement must include a conspicuous caption ("BUYER'S RIGHT TO CANCEL"). The bill also requires that it be

prominent.

The bill also makes minor and grammatical changes to the required statement.

Electronic Contracts (§ 20)

Under the bill, if the health club gives a consumer a contract in an electronic format only, it must (1) provide the three-day cancellation and disability provisions in a separate document in electronic or paper form and (2) include the consumer's acknowledgement that he or she has received these provisions.

The bill requires that the contract, document with the cancellation and disability provisions, and acknowledgement be executed as part of a single transaction.

Information Required for License to Sell Contracts (§ 21)

The bill requires health clubs seeking a DCP license to sell health club contracts to provide an electronic copy, rather than two copies, of each health club contract the applicant currently uses or intends to use.

Elimination of Civil Penalty (§ 21)

The bill eliminates the commissioner's authority to impose a civil penalty of up to $300 for any health club that sells or offers to sell contracts without submitting a license renewal or renewal fee within 30 days of the license expiring. By law and among other powers, the commissioner may still suspend or revoke a health club license for specified violations.

Guaranty Fund (§ 22)

By law, the Connecticut Health Club Guaranty Fund is designed to protect health club members when a club closes or moves. If a health club is no longer operating at the location where the consumer entered the contract, the consumer may have a claim against the health club and may apply to the guaranty fund.

Disbursements. The bill sets up a new process for guaranty fund

disbursements. Instead of holding an administrative hearing on each application, it allows the commissioner to make a payment on uncontested cases without a hearing.

More specifically, before the commissioner may direct payment from the fund to a buyer, he must first notify the health club of the buyer's application to the fund. The notice must also inform the club of its right to an administrative hearing to contest the disbursement if (1) it has already paid the buyer or (2) is complying with a payment schedule based on a written agreement with the buyer or a court judgment, order, or decree.

If the club requests a hearing in writing and within 15 days after receiving the DCP notice, the commissioner must grant the request and hold the hearing. If DCP does not receive a request within this 15-day period, the commissioner must (1) determine that the buyer has not been paid and (2) direct payment from the guaranty fund for the amount due. As under existing law, if multiple buyers submit claims against the same club, DCP can hear their applications in one proceeding.

Notice to Health Clubs Potentially Barred From Paying Into the Fund. Existing law requires DCP to notify a health club that it is contemplating prohibiting it from paying into the fund because it violated the health club law or engaged in unfair or deceptive trade practices, among other things. The bill eliminates the requirement that DCP send this notice by certified mail to the club's principal place of business.

Closings or Transferred Locations (§ 23)

The bill amends the notice requirements for when a health club closes or transfers locations. Current law requires it to notify DCP and all current and prospective members at least 60 days before the closing or transfer. The bill requires that these be written notices disclosing the closing or transfer. It requires health clubs to (1) notify their current members at least 60 days, and again between 20 and 40 days, before the closing or transfer and (2) give DCP an electronic copy of this written notice within one business day after notifying current members.

The bill also eliminates a requirement that a health club publish a notice of the closing or transfer in a newspaper with general circulation in the state. It instead requires the club to conspicuously post, on its website and premises, notices about the closing or transfer.

§ 24 — HARDSHIP EXEMPTIONS FROM WELL DRILLING WATER REQUIREMENTS

Transfers, from the plumbing and piping work examining board to local health directors, authority to grant hardship exemptions from well drilling requirements related to the purity, potability, and safeguarding of well water

Current law allows the plumbing and piping work examining board to grant exemptions from well drilling requirements when they would cause undue hardship, subject to the DCP commissioner's approval. The bill transfers the authority to grant hardship exemptions related to the purity, potability, and safeguarding of well water from the examining board to the local health director. Specifically, it authorizes local health directors to grant these hardship exemptions if they find that the exemption will not adversely affect the well water's purity and adequacy.

§ 25 — CONNECTICUT UNFAIR TRADE PRACTICES ACT (CUTPA)

Allows DCP to receive electronic copies of documents of anyone being investigated or proceeded against under CUTPA; provides DCP additional options for sending certain investigative and enforcement documents; allows testimony in CUTPA proceedings to be recorded rather than transcribed and eliminates the requirement that it be filed with DCP; and allows DCP to impose a civil penalty of up to $5,000 for CUTPA violations

The bill makes various changes to CUTPA, including allowing DCP to impose civil penalties after an administrative hearing; updating provisions on investigations and notices to include electronic methods; and making various minor, technical, and conforming changes.

Electronic Copies

By law, the DCP commissioner or his authorized representatives have the right to, among other things, access, examine, and copy the documents of anyone being investigated or proceeded against under CUTPA. The bill also allows DCP to receive electronic copies of these documents.

Sending Notice

The bill gives DCP additional options for sending certain CUTPA investigative demands or complaints other than delivering them by certified mail. It allows the department to send these actions using the same methods it uses for sending administrative enforcement action notices. By law, these notices must be delivered personally, by U.S. mail with delivery tracking or by certified mail, or by email with tracking and delivery confirmation.

Under the bill, DCP may use these additional methods for (1) serving an investigative demand on a person who is suspected of violating CUTPA or a person from whom the commissioner wants assurances that he or she has not violated the act and (2) delivering a complaint to a person who has been engaging in or is engaged in an alleged CUTPA violation.

Testimony

Current law requires testimony in a CUTPA proceeding to be put in writing by the hearing's recording officer and filed with the commissioner. The bill allows the testimony to be recorded (in an audio or audiovisual format) instead and eliminates the filing requirement.

Civil Penalty

The bill allows the DCP commissioner to impose a civil penalty of up to $5,000 for CUTPA violations, after an administrative hearing. Correspondingly, the bill allows the DCP commissioner to ask the attorney general to apply for an order to enforce the civil penalty in the Hartford Superior Court.

Background — CUTPA

By law, CUTPA prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the DCP commissioner to issue regulations defining 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 up to $25,000 for a restraining order violation.

§ 26 — RETURN OR EXCHANGE POLICIES

Establishes new requirements for businesses to post and disclose their refund and exchange policies and requires these policies to include specified disclosures; requires businesses that do not disclose their policies to give refunds or allow exchanges under certain conditions; makes various other minor, technical, and conforming changes on returns and exchanges

Required Disclosures

Under current law, businesses engaged in trade or commerce in Connecticut (businesses) must accept returned consumer goods (other than motor vehicles) if customers return them as the business's conspicuously posted refund or exchange policy allows. The bill eliminates this prohibition on businesses refusing to accept returns and replaces it with a new set of requirements for disclosing refund or exchange policies. Under the bill, businesses must clearly and conspicuously:

1. post their refund or exchange policy on their premises if they conduct in-person sales;

2. display the policy on their website if they conduct Internet sales; and

3. verbally disclose the policy for verbal sales, including sales by telephone.

If the business provides refunds or allows exchanges, its policy must disclose:

1. whether it will provide a (a) cash or credit refund or store credit or allow an exchange, and (b) refund or allow an exchange at any time or before a specified time;

2. whether any refund or exchange is subject to any fee and the fee amount, with the amount expressed in either a dollar amount or percentage; and

3. any other conditions the business requires.

Under the bill, unless a business discloses its policy to not provide refunds or exchanges according to the bill's requirements, it must provide a cash or credit refund or store credit to any consumer who returns any purchased good within seven days after receiving it.

As under existing law, the refund and exchange policy law does not apply to perishable goods or ones clearly marked as unreturnable. Violations of the disclosure provision are a CUTPA violation.

Use of Electronic System for Certain Returns

Under existing law and the bill, businesses that use an electronic system to record, monitor, and limit the number or dollar amount of returns made by a consumer must state clearly in their posted refund or exchange policy that the system is being used. The bill removes the CUTPA penalty for violating this provision.

Existing law requires these businesses to provide written notice before terminating a consumer's right to return a good. The bill allows these businesses an additional termination notification method by allowing them to provide it to an email that the consumer provides. As under existing law, notice may still be given by mail to the consumer's last-known address or to the consumer's address that is obtained through reasonably available public records.

§ 27 — NOTICE OF HEARING FOR CERTAIN PAYMENT TYPE VIOLATIONS

Specifies DCP must provide a notice and hold a hearing before issuing a fine for specified violations related to surcharges, minimum transaction amounts, and discounts based on certain payment methods

Existing law prohibits anyone from imposing an additional charge or fee on any transaction for the privilege of using a particular payment type; conditioning the acceptance of a credit or charge card payment on a minimum transaction amount, without disclosure; or reducing a commission paid to an agent because the transaction was paid by card. The bill specifies that the DCP commissioner must provide a notice and hold an administrative hearing under the UAPA before imposing an

additional civil penalty for these violations. It also makes minor and technical changes, including specifying that the "transactions" covered by this law are those that occur in the state to mirror the definitions of "trade" and "commerce" in CUTPA.

§§ 28-51 — PUBLIC WEIGHMASTER

Renames a "licensed public weigher" as a "public weighmaster" and replaces "licensed public weigher" with "public weighmaster" in statutes; increases the maximum penalty for violating the public weigher laws

To align with national naming conventions, the bill replaces "licensed public weigher" with "public weighmaster" throughout the public weighers and weight and measurement of specific articles laws (Chapters 751 & 752). It also makes various minor, technical, and conforming changes.

It also increases two penalties for public weigher violations. It does so by increasing the maximum fine, from $100 to $1,000, for violations of the public weigher laws for which there is no specific penalty. As under existing law, the minimum penalty is $25. It also increases the maximum civil penalties the DCP commissioner may impose after an administrative hearing, from $100 for the first offense and $500 for subsequent offenses to $1,000 per violation (§ 44). By law, each violation for a unit, certificate, device, or scale is considered a separate offense.

§ 52 — E-CIGARETTE PENALTIES PAID BY MAIL

Allows certain e-cigarette penalties to be paid by mail to the Centralized Infractions Bureau without appearing in court

The bill allows certain e-cigarette (i.e., electronic nicotine delivery system and vapor product) penalties to be paid by mail to the Centralized Infractions Bureau without appearing in court. These penalties include (1) the $50 fine for each day anyone knowingly manufactures e-cigarettes for a business without a registration and (2) the $90 fine for each day e-cigarette manufacturers or dealers knowingly manufacture or sell, offer for sale, or possess with the intent to sell an e-cigarette with a registration that has been expired for 90 days or less.

§§ 52 & 53 — REPEAL OF VARIOUS PROVISIONS ON MAKING AND SELLING CERTAIN STAPLE FOODS

Repeals duplicative statutes related to food standards for certain staple foods (e.g., flour, bread, rolls); increases the penalties by imposing the Uniform Food, Drug, and Cosmetic Act penalties

The bill repeals statutes on food standards, examinations, and investigations related to certain staple foods (i.e., flour, bread, rolls, corn meal, grits, rice, and macaroni) (CGS §§ 21a-27 to 30). By law, the state Uniform Food, Drug, and Cosmetic Act has similar requirements and provides DCP with comparable powers (CGS § 21a-91 et seq.).

By subjecting these staple foods to the standards established under the Food, Drug, and Cosmetic Act, the bill also increases the penalties for violating the standards. Under current law, a first offense of a staple food law violation is punishable by up to a $100 fine, up to three months imprisonment, or both, and subsequent offenses are punishable by up to a $500 fine, up to one year imprisonment, or both (CGS § 21a-30). Under the Food, Drug, and Cosmetic Act, first violations are generally punishable by up to six months in prison, a fine of up to $500, or both. A subsequent violation is punishable by up to one year in prison, a fine of up to $1,000, or both (CGS § 21a-95).

The bill also eliminates the ability to pay the offense by mail to the Centralized Infractions Bureau without appearing in court. Under current law, violators can do so for staple food violations, but not for Food, Drug, and Cosmetic Act violations.

BACKGROUND

Related Bill

sSB 201, §§ 10-12, favorably reported by the General Law Committee, among other things, provides the DCP commissioner and attorney general additional authority to enforce assurances of voluntary compliances.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute
Yea 21 Nay 1 (03/07/2024)