



General Assembly

**Amendment**

January Session, 2023

LCO No. 8456



Offered by:  
REP. D'AGOSTINO, 91<sup>st</sup> Dist.

To: Subst. House Bill No. 6767

File No. 229

Cal. No. 167

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

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

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 Section 16a-21 of the general statutes is repealed and the  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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

269 [the] such individual.

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

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

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

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

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

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

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

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

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

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

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

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

332 *passage*):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

550 Strike section 21 in its entirety and substitute the following in lieu  
551 thereof:

552 "Sec. 21. Subsection (a) of section 21a-11 of the general statutes is  
553 repealed and the following is substituted in lieu thereof (*Effective from*  
554 *passage*):

555 (a) (1) The Commissioner of Consumer Protection may, subject to the  
556 provisions of chapter 67, employ such agents and assistants as are  
557 necessary to enforce the provisions of the general statutes wherein [said]  
558 the commissioner is empowered to carry out the duties and  
559 responsibilities assigned to [him or his department] the commissioner  
560 or the Department of Consumer Protection. For the purpose of inquiring  
561 into any suspected violation of such provisions, the commissioner and  
562 [his] the commissioner's deputy and assistants shall have free access, at  
563 all reasonable hours, to all places and premises, homes and apartments  
564 of private families keeping no boarders excepted. The commissioner  
565 and [his or her] the commissioner's deputy or assistants shall have the  
566 authority to issue citations pursuant to section 51-164n for violations for  
567 the purpose of enforcing such provisions. The commissioner may  
568 delegate [his or her] the commissioner's authority to render a final  
569 decision in a contested case to a hearing officer employed by, or  
570 contracted with, the department.

571 (2) Notwithstanding the provisions of the Freedom of Information  
572 Act, as defined in section 1-200, all records, papers and documents  
573 obtained during an investigation or enforcement action conducted  
574 pursuant to subdivision (1) of this subsection shall be confidential and  
575 not subject to disclosure under said act until such investigation or  
576 enforcement action has been finally adjudicated or otherwise settled or  
577 closed."

578 After the last section, add the following and renumber sections and  
579 internal references accordingly:

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

583 (b) [A] (1) For a financial statement that is initially due on or before  
584 July 1, 2023, a charitable organization with gross revenue in excess of  
585 five hundred thousand dollars in the year covered by the report shall  
586 include with [its] the charitable organization's financial statement an

587 audit report of a certified public accountant.

588 (2) For a financial statement that is initially due after July 1, 2023, a  
589 charitable organization shall include with the charitable organization's  
590 financial statement (A) an attestation that an audit report has been  
591 completed by a certified public accountant if the charitable organization  
592 had gross revenue in excess of one million dollars in the year covered  
593 by such report, or (B) an attestation that an audit or review report has  
594 been completed by a certified public accountant if the charitable  
595 organization had gross revenue in excess of five hundred thousand  
596 dollars but not more than one million dollars in the year covered by such  
597 report.

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

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

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

607 (a) Every charitable organization not exempted by section 21a-190d  
608 shall annually register with the department prior to conducting any  
609 solicitation or prior to having any solicitation conducted on its behalf by  
610 others. Application for registration shall be in a form prescribed by the  
611 commissioner and shall include a nonrefundable application fee of fifty  
612 dollars. Such application shall include: (1) A registration statement, (2)  
613 an annual financial report for such organization for the preceding fiscal  
614 year that is prepared in accordance with the provisions of subsection (a)  
615 of section 21a-190c, as amended by this act, and (3) an audited or  
616 reviewed financial statement as required by subsection (b) of section  
617 21a-190c, as amended by this act. An authorized officer of the  
618 organization shall certify that the statements therein are true and correct

619 to the best of their knowledge. A chapter, branch or affiliate in this state  
620 of a registered parent organization shall not be required to register  
621 provided the parent organization files a consolidated annual  
622 registration for itself and its chapter, branch or affiliate. Each charitable  
623 organization shall annually renew its registration not later than eleven  
624 months after the end of such organization's fiscal year.

625 Sec. 503. Subsections (d) to (h), inclusive, of section 42-471 of the  
626 general statutes, as amended by section 5 of substitute senate bill 1058  
627 of the current session, as amended by Senate Amendment Schedule "A",  
628 are repealed and the following is substituted in lieu thereof (*Effective July*  
629 *1, 2023*):

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

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

638 [(e) Any person or entity that violates the provisions of this section  
639 shall be subject to a civil penalty of five hundred dollars for each  
640 violation, provided such civil penalty shall not exceed five hundred  
641 thousand dollars for any single event. It shall not be a violation of this  
642 section if such violation was unintentional. A violation of this section  
643 shall constitute an unfair trade practice under subsection (a) of section  
644 42-110b, provided the provisions of section 42-110g shall not apply to  
645 such violation. Nothing in this section shall be construed to create a  
646 private right of action.]

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

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

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Sec. 2	<i>from passage</i>	16a-21
Sec. 3	<i>from passage</i>	20-280e(b)
Sec. 4	<i>from passage</i>	20-291(b)
Sec. 6	<i>from passage</i>	20-334(d)
Sec. 8	<i>from passage</i>	20-341gg(d)
Sec. 17	<i>from passage</i>	20-540(m)
Sec. 18	<i>October 1, 2023</i>	20-677
Sec. 19	<i>October 1, 2023</i>	20-679
Sec. 21	<i>from passage</i>	21a-11(a)
Sec. 501	<i>from passage</i>	21a-190c(b)
Sec. 502	<i>from passage</i>	21a-190b(a)
Sec. 503	<i>July 1, 2023</i>	42-471(d) to (h)