AN ACT CONCERNING THE LICENSING OF SWIMMING POOL INSTALLERS, ELECTRONIC NOTICE OF PROPOSED AGENCY REGULATIONS AND MINOR AND TECHNICAL CHANGES TO DEPARTMENT OF CONSUMER PROTECTION STATUTES.

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

Section 1. (NEW) (Effective from passage) (a) As used in this section, (1) "swimming pool" means a permanent spa or any in-ground or partially above-ground structure intended for swimming that is greater than twenty-four inches in depth, and (2) "swimming pool builder" means a person who, for financial compensation, excavates and grades for and constructs and installs a swimming pool, including, but not limited to, tiling, coping, decking and installation of associated circulation equipment such as pumps, filters and chemical feeders.

(b) On or after the adoption of regulations required pursuant to subsection (c) of this section, no person shall build a swimming pool unless such person holds a swimming pool builder's license issued by the Commissioner of Consumer Protection.

(c) Not later than July 1, 2012, the Commissioner of Consumer Protection shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section, including establishing the amount and type of experience,
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training, continuing education and examination requirements for a person to obtain and renew a swimming pool builder's license.

(d) Any person who builds a swimming pool on residential property owned by such person shall be exempt from the provisions of this section.

(e) The holder of a swimming pool builder's license issued pursuant to this section shall comply with the provisions of chapter 400 of the general statutes regarding registration as a home improvement contractor.

(f) A person licensed as a swimming pool builder pursuant to this section shall not perform electrical work, plumbing and piping work or heating, piping and cooling work, as defined in section 20-330 of the general statutes, unless such person is licensed to perform such work pursuant to chapter 393 of the general statutes.

(g) On and after the adoption of regulations required pursuant to subsection (c) of this section, any person applying to the Department of Consumer Protection for a swimming pool builders' license shall be issued such license without examination upon demonstration by the applicant of experience and training equivalent to the experience and training required to qualify for examination for such license, if such applicant makes such application to the department not later than January 1, 2014.

(h) The initial fee for a swimming pool builder's license shall be one hundred fifty dollars and the renewal fee for such license shall be one hundred dollars. Licenses shall be valid for a period of one year from the date of issuance.

Sec. 2. Section 20-341 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):
(a) Any person who wilfully engages in or practices the work or occupation for which a license is required by this chapter, chapter 399b or by section 1 of this act without having first obtained an apprentice permit or a certificate and license for such work, as applicable, or who wilfully employs or supplies for employment a person who does not have a certificate and license for such work, or who wilfully and falsely pretends to qualify to engage in or practice such work or occupation, or who wilfully engages in or practices any of the work or occupations for which a license is required by this chapter after the expiration of such person's license, shall be guilty of a class B misdemeanor, provided no criminal charges shall be instituted against such person pursuant to this subsection unless the work activity in question is reviewed by the Commissioner of Consumer Protection, or the commissioner's authorized agent, and the commissioner or such agent specifically determines, in writing, that such work activity requires a license and is not the subject of a bona fide dispute between persons engaged in any trade or craft, whether licensed or unlicensed. Notwithstanding the provisions of subsection (d) or (e) of section 53a-29 and subsection (d) of section 54-56e, if the court determines that such person cannot fully repay any victims of such person within the period of probation established in subsection (d) or (e) of section 53a-29 or subsection (d) of section 54-56e, the court may impose probation for a period of not more than five years. The penalty provided in this subsection shall be in addition to any other penalties and remedies available under this chapter or chapter 416.

(b) The appropriate examining board or the Commissioner of Consumer Protection may, after notice and hearing, impose a civil penalty on any person who engages in or practices the work or occupation for which a license or apprentice registration certificate is required by this chapter, section 1 of this act, chapter 394, [or] chapter 399b or chapter 482 without having first obtained such a license or certificate, or who wilfully employs or supplies for employment a
person who does not have such a license or certificate or who wilfully and falsely pretends to qualify to engage in or practice such work or occupation, or who engages in or practices any of the work or occupations for which a license or certificate is required by this chapter, section 1 of this act, chapter 394, [or] chapter 399b or chapter 482 after the expiration of the license or certificate or who violates any of the provisions of this chapter, section 1 of this act, chapter 394, [or] chapter 399b or chapter 482 or the regulations adopted pursuant thereto. Such penalty shall be in an amount not more than one thousand dollars for a first violation of this subsection, not more than one thousand five hundred dollars for a second violation of this subsection and not more than three thousand dollars for each violation of this subsection occurring less than three years after a second or subsequent violation of this subsection, except that any individual employed as an apprentice but improperly registered shall not be penalized for a first offense.

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

(d) A violation of any of the provisions of this chapter or section 1 of this act shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b.

(e) This section shall not apply to any person who (1) holds a license issued under this chapter, section 1 of this act, chapter 394, [or] chapter 399b or chapter 482 and performs work that is incidentally, directly and immediately appropriate to the performance of such person's trade where such work commences at an outlet, receptacle or
connection previously installed by a person holding the proper license, or (2) engages in work that does not require a license under this chapter, section 1 of this act, chapter 394, [or] chapter 399b or chapter 482.

Sec. 3. Subsection (a) of section 20-417aa of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(a) As used in this section, "swimming pool maintenance and repair work" means the performance of all plumbing, heating and electrical work necessary to service, modify or repair any swimming pool, hot tub, spa or similar recreational or therapeutic equipment, where such work commences at an outlet, receptacle, connection, back-flow preventor or fuel supply pipe previously installed by a person holding the proper license. Swimming pool maintenance and repair work includes: (1) The renovation or repair of nonpotable water components of a pool, hot tub or spa, including, but not limited to, the shell, tiling and coping, concrete finish or vinyl liner of such pool, hot tub or spa; and (2) the draining, acid washing or backwash filtration of a swimming pool. The renovation or repair of nonpotable water components of a pool, hot tub or spa required to be installed, renovated or repaired by a licensed plumber or electrician shall not be considered swimming pool maintenance and repair work. The holder of a limited license for swimming pool maintenance and repair work issued pursuant to this section shall not be subject to the provisions of chapter 400, provided such license holder is acting within the scope of the license.

Sec. 4. Subsection (a) of section 4-168 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2011):

(a) Except as provided in subsection (g) of this section, an agency,