

Substitute House Bill No. 5330

(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 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.

(g) The Commissioner of Consumer Protection may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section.

Sec. 37. (NEW) (*Effective July 1, 2022*) Any contractor who is licensed under chapter 393 of the general statutes and engaged to perform work on a private residence, and any person who owns or controls a business that is engaged to perform work on, or render services concerning, a private residence through persons licensed under chapter 393 of the general statutes to perform such work or render such services, shall include in the invoice or work order for such work or services, provided such invoice or work order is not signed by the consumer and therefore may constitute a contract, when complete: (1) The full legal name and license number of such licensed contractor or the licensed contractor of record for such business for such work or services, which licensed contractor or licensed contractor of record is liable for the work of any individual who performs work on such contractor's behalf related to the invoiced work or services; (2) such licensed contractor's address or, in the case of a business, the business's address and phone number; (3) a description of such work or services; (4) the labor and material costs of such work or services; (5) the date or dates on which such work was performed or services were rendered; and (6) the complete name of each licensee who performed such work or rendered such services. For the purposes of this section, "private residence" has the same meaning as

Substitute House Bill No. 5330

provided in section 20-419 of the general statutes.

Sec. 38. Section 16a-17 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section and sections [16a-17] 16a-18 to 16a-20, inclusive:

[(1) "Fuel" includes electricity, natural gas, petroleum products, coal and coal products, wood fuels, radioactive materials and any other resource yielding energy;]

[(2)] (1) "Creating a fuel shortage" means the diminution by contrivance or artificial means of the supply of fuel to a point below that needed to meet consumer demands adequately; [.] and

(2) "Fuel" includes coal and coal products, electricity, natural gas, petroleum products, radioactive materials, wood fuels and any other resource yielding energy.

(b) As used in sections 16a-21, as amended by this act, 16a-22a and 16a-22k:

(1) "Associated equipment" means a gas line, gas regulator, [gas line,] sacrificial anode, interconnecting hardware and [such] any other equipment that is necessary [for the installation and operation of] to install and operate a propane tank;

(2) "Automatic delivery" means the delivery of heating fuel to a consumer by a dealer [pursuant to] under a system determined by the dealer of calculating the consumer's heating fuel needs [of the consumer,] based on the consumer's [consumption of] heating fuel consumption;

(3) "Cash" (A) means [legal tender,] a certified or cashier's check, commercial money order, legal tender or equivalent of such [legal

Substitute House Bill No. 5330

tender,] check, [or] money order [. Cash also] or legal tender, and (B) includes a guaranteed payment on behalf of a consumer by a government or community action agency, provided no discount is taken for the charge as billed;

(4) "Commissioner" means the Commissioner of Consumer Protection;

(5) "Consumer" means a direct purchaser of heating fuel from a heating fuel dealer [, when such fuel is the primary source of heat for residential heating or domestic hot water to] for one or more dwelling units within a structure having not more than four dwelling units;

(6) "Gallon" means an accepted unit of measure consisting of two hundred thirty-one cubic inches, for all liquid or gaseous heating fuel, subject to modifications allowed under regulations adopted pursuant to section 43-42;

(7) "Heating fuel" means any petroleum-based fuel, including any petroleum product regulated pursuant to chapter 250, used as the primary source of residential heating or domestic hot water; [, including petroleum products regulated pursuant to chapter 250;]

(8) "Heating fuel dealer" or "dealer" means any individual or group of individuals who, or a cooperative, corporation, firm, limited liability company or partnership [, corporation, cooperative or limited liability company] that, offers [the retail sale of] to sell, at retail, heating fuel to a consumer;

(9) "Lessee" means a natural person who rents or leases personal property under a consumer rental or lease agreement;

(10) "Lessor" means a heating fuel dealer who regularly provides the use of personal property through consumer rental or lease agreements and to whom rent is paid at a fixed interval for the use of such property;

Substitute House Bill No. 5330

(11) "Notice of termination of automatic delivery" means a notice by a consumer to a dealer providing automatic delivery in which the consumer requests that the dealer [to] terminate such automatic delivery; and

(12) "Purchase price" or "commercially reasonable price" means a price that does not exceed the fair market value of [the] a propane tank and associated equipment, as applicable.

Sec. 39. Subsection (b) of section 16a-21 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) If a consumer complaint is being mediated or investigated by the commissioner, the heating fuel dealer, if it owns the tank and has exclusive fill requirements, may not deny the consumer deliveries of heating fuel, [from October first to March thirty-first, inclusive] or fuel for cooking or power generation, because of the existence of the mediation or investigation, provided the heating fuel dealer remains the exclusive supplier of [heating] such fuel and the consumer pays cash for such fuel upon delivery.

Sec. 40. Subsection (a) of section 16a-23m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section, sections 16a-23n to 16a-23s, inclusive, and section 16a-23v:

(1) "Budget plan" means a type of contract offering heating fuel [,] that may be paid for in advance of, on or after delivery and is paid for in not less than three installment payments over a period of at least one hundred twenty days, [or more,] provided the amount required to be paid as the first payment under such contract is not greater than fifty per cent of the remaining amount due under [the plan] such contract;

Substitute House Bill No. 5330

(2) "Capped price plan" means [an agreement where] a contract which provides that the cost to the consumer [of] for heating fuel shall not increase above a specified price per gallon and the consumer shall pay less than [the] such specified price under circumstances specified in such contract;

(3) "Commissioner" means the Commissioner of Consumer Protection;

(4) "Consumer" means a direct purchaser of heating fuel from a heating fuel dealer [, when such fuel is the primary source of heating fuel for residential heating or domestic hot water to] for one or more dwelling units within a structure having not more than four dwelling units;

(5) "Forwards contract" means an agreement between two parties to buy or sell an asset at a certain future time for a certain price;

(6) "Futures contract" means a standardized, transferable, exchange-traded agreement that requires delivery of heating fuel at a specified price on a specified future date;

(7) "Gallon" means an accepted unit of measure consisting of two hundred thirty-one cubic inches, for all liquid or gaseous heating fuel, subject to modifications allowed under regulations adopted pursuant to section 43-42;

(8) "Guaranteed price plan", also known as "guaranteed plan", "fixed price", "full price", "lock in", "capped", "price cap", or other similar terminology, when used to describe a contract, means a type of contract that is not paid in advance of delivery, offering heating fuel at a guaranteed future price or at a maximum future price;

(9) "Heating fuel" means any petroleum-based fuel, including any petroleum product regulated pursuant to chapter 250, used as a primary

Substitute House Bill No. 5330

source of residential heating or domestic hot water; [, including petroleum products regulated pursuant to chapter 250;]

(10) "Heating fuel dealer" or "dealer" means any individual or group of individuals who, or a [firm, partnership, corporation,] cooperative, [or] corporation, firm, limited liability company or partnership that, offers [the retail sale of] to sell, at retail, heating fuel to consumers;

(11) "Heating oil" means a [predominantly liquefied] petroleum product, including a petroleum product known as #1 oil (kerosene), #2 oil (heating oil), #4 oil, bio fuel or any bio fuel blended with conventionally refined fossil fuel commodities, that (A) is predominantly liquid at ambient temperatures, [that is] (B) is sold as a commodity, [and] (C) is a primary source of residential heating or domestic hot water, [including products known as #2 oil (heating oil), #1 oil (kerosene), #4 oil, bio fuels, or any bio fuel blended with conventionally refined fossil fuel commodities] and [that] (D) meets the requirements of the American Society for Testing and Materials Standard D396, as amended from time to time;

(12) "Maintain" means retention of the balance, measured in gallons or other accepted units of measure, of heating fuel that remains to be delivered to consumers who are party to a guaranteed price plan contract;

(13) "Physical supply contract" means an agreement for wet barrels or gallons of heating fuel that [has been] is secured by a heating fuel dealer;

(14) "Prepaid guaranteed price plan", also known as "buy ahead", "prebuy", "prebought" or other similar terminology, when used to describe a contract, means a type of contract offering heating fuel at a guaranteed price, paid for in advance of delivery, but does not include a budget plan;

Substitute House Bill No. 5330

(15) "Propane" or "liquefied petroleum gas (LPG)" means a petroleum product that (A) meets [ASTM] American Society for Testing and Materials specification D1835, as amended from time to time, [and] (B) is composed predominantly of [any of the following hydrocarbons or mixtures thereof: Propane, propylene,] butanes (normal butane or isobutane), [and] butylenes, propane, propylene or any mixture thereof, and (C) is intended for use, among other things, as a fuel for residential heating; and

(16) "Surety bond" means a bond_z issued by a licensed insurance company or banking institution_z as surety for a dealer and obligating [the] surety to the commissioner_z in a sum certain_z in guaranty of the dealer's full and faithful performance [by the dealer] of prepaid guaranteed price plan contracts entered into pursuant to this chapter.

Sec. 41. Section 16a-23o of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person, firm or corporation required to register as a [home heating oil or propane gas] heating fuel dealer pursuant to section 16a-23m, as amended by this act, that offers plumbing or heating work service shall submit evidence, deemed satisfactory by the Commissioner of Consumer Protection, when registering, that such person, firm or corporation subcontracts with or employs only persons licensed or registered pursuant to chapter 393 to perform such work. Such person, firm or corporation shall attest, when applying for registration as a heating fuel dealer pursuant to section 16a-23m, as amended by this act, that all plumbing or heating work service shall be performed in accordance with the provisions of chapter 393. Anyone registered under this section who offers such plumbing or heating services shall display the state license number of the subcontractor or employee performing such work for the registrant on all commercial vehicles used in their business and shall display such number in a conspicuous manner on all printed advertisements, bid proposals, contracts, invoices and

Substitute House Bill No. 5330

stationery used in the business.

Sec. 42. Section 20-334d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section:

(1) "Accredited continuing professional education" means any education of an electrician or plumber that is (A) designed to maintain professional competence in the [pursuit,] practice, pursuit and standards of electrical work or plumbing and piping work, [and that is] (B) approved by the commissioner, and [is] (C) provided (i) by an agency, institution or organization [, institution or agency that is] that has been approved by the commissioner, and (ii) in-person or through an online technology platform that includes real-time video with audio, requires participants to periodically confirm their active engagement during the educational training session and enables participants to interact with instructors in real time during the entire educational training session;

(2) "Certificate of continuing education" means a document [issued to an electrician or plumber by an organization, institution or agency] that (A) an agency, institution or organization that has been approved by the commissioner [that] and offers accredited continuing professional education [, which (A)] issues to an electrician or plumber, (B) certifies that an electrician or plumber has satisfactorily completed a specified number of continuing education hours, and [(B)] (C) bears the (i) name of such agency, institution or organization, [institution or agency, the] (ii) title of the program, [the] (iii) dates during which the program was conducted, [the] (iv) number of continuing education hours satisfactorily completed, and [the] (v) signature of the director of such [organization, institution or agency or the signature of the] agency, institution or organization or of such director's authorized agent; and