



Agency Legislative Proposal - 2013 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

2013 AAC Immigration Services Fraud.docx

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: DEPARTMENT OF CONSUMER PROTECTION

Liaison: GARY BERNER

Phone: 860-713-6208

E-mail: GARY.BERNER@CT.GOV

Lead agency division requesting this proposal:

Fraud and Legal Divisions

Agency Analyst/Drafter of Proposal: GARY BERNER

Title of Proposal

An Act Concerning Immigration Services Fraud

Statutory Reference

NEW

Proposal Summary

This proposal would create a new consumer protection tool against those who commit immigration services fraud. This proposal calls for the creation of a new statute that would require individuals who hold themselves out as immigration services professionals to enter into a specific written contract before working with a client. The contract provisions are very specific to ensure that the consumer is made aware of the limitations of the service, and also affords the consumer the right of cancellation. This proposal is submitted by the Department in response to a nationwide problem wherein a segment of our population has been too often victimized by fraud. We believe this proposal will ultimately reduce the number of individuals engaging in this activity, thus, helping some of the most vulnerable in the community, thereby reducing the number of complaints that DCP is responding to.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

• Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

Immigration services fraud, (often referred to as “notario fraud,”) is a nationwide problem that also exists in Connecticut. Typically the fraud involves promises of green cards, secret citizenship lotteries and similar immigration status adjustments –but either the notario is completely lying, or unqualified to represent individuals in immigration matters.



More often than not, the perpetrator of the fraud exploits the linguistic difference between the term “notary public” in English, and its translation into other languages. For example, in many Latin American countries, a “notario publico” connotes a highly trained attorney who would be well qualified to represent clients in immigration matters. In the U.S., however, a notary public license in and of itself does not qualify an individual as an immigration representative or expert. Similar translation confusions exist for many European communities. Misrepresentations are not limited to notaries. For example, there is currently pending litigation in Virginia involving immigration services fraud where the advertisements said, “Para legal.” In Spanish this translates to “for legal (services),” and of course in English a quick reading of this could leave the impression that one is a paralegal.

In the most recent legislative session, HB 5247 (2012), “An Act Concerning the Unauthorized Practice of Law by Notaries Public” passed the House, but died in the Senate due to inaction (this was not a DCP bill). The crux of the bill was, “To prevent notary publics from abusing their powers by using the term 'notario publico' to deliberately mislead people into believing that the notary has greater powers than they do or, unintentionally and/or passively end up doing so anyway.”

The Judiciary Committee heard testimony from immigration attorneys regarding immigration services fraud, which underscores the fact that it is a true issue in Connecticut.

Twenty one states have codes, statutes and/or regulations specifically addressing notario fraud; the majority of the remaining states use unauthorized practice of law as their guidelines. Some statutes refer generally to people offering immigration services and other specifically to notaries who hold themselves out as notarios. Four states (Illinois, Minnesota, New York and South Carolina) require specific signs outside the place of business; fifteen states require similar language in all advertisements. The specific language that is typically used is as follows:

- I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE.
- I AM NOT ACCREDITED TO REPRESENT YOU BEFORE THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES AND THE IMMIGRATION BOARD OF APPEALS.

This proposal is crafted to regulate the contracting and advertising side of this problem; rather than to develop a scheme which would require licensure of those in the immigration services business. The specifics of the contract set forth in this proposal in many ways mirror the provisions of the Health Club contracts that DCP currently enforce. Specifically, it includes a 3 day right of cancellation; it can be cancelled by the buyer at any time; it must be in writing; it must be both in English and the language in which the services are offered, and it must include language stating that the offer is made by an individual that is not an attorney.

- **Origin of Proposal** **New Proposal** **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)



Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

None.

State

None. The Department can enforce within existing resources.

Federal

None.

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

Insert fully drafted bill here



An Act Concerning Immigration Services Fraud

(NEW) Section 1. Definitions. As used in this chapter:

- 1) "Immigration services" means providing services, for a fee or other compensation, to persons who have, or plan to, come to the United States from a foreign country, or their representatives, in relation to any proceeding, filing or action affecting the non-immigrant, immigrant or citizenship status of a person which arises under the immigration and nationality law, executive order or presidential proclamation, or which arises under actions or regulations of the United States bureau of citizenship and immigration services, the United States Department of Labor, or the United States Department of State.
- 2) "Provider" means any person, including but not limited to a corporation, partnership, limited liability company, sole proprietorship or natural person, that provides immigration services, but shall not include (a) any person duly admitted to practice law in this state and any person working directly under the supervision of the person admitted; (b) any not-for-profit tax exempt organization that provides immigrant assistance without a fee or other payment from individuals or at nominal fees as defined by the federal board of immigration appeals, and the employees of such organization when acting within the scope of such employment; or (c) any organization recognized by the federal board of immigration appeals that provides services via representatives accredited by such board to appear before the bureau of citizenship and immigration services and/or executive office for immigration review, that does not charge a fee or charges nominal fees as defined by the board of immigration appeals.
- 3) "Business day" means any day except a Sunday or a legal holiday.
- 4) "Immigration services contract" means an agreement by which a buyer is entitled to immigration services. All immigration services contracts shall be in writing.
- 5) "Buyer" means a person who enters into, or receives the benefit of, an immigration services contract.

(NEW) Section 2. Contracts for Immigration Services. Right of cancellation. Terminable at will.

- (a) Every contract for immigration services shall be in writing and 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 to the provider or the provider's agent at an address which shall be specified in the contract. After receipt of such cancellation, the provider may request the return of contract forms and any and all other documents previously delivered to the buyer. Cancellation shall be without liability on



the part of the buyer, and the buyer shall be entitled to a refund of the entire consideration paid for the contract within fifteen days. Such right of cancellation shall not be affected by the terms of the contract and may not be waived or otherwise surrendered.

(b) A buyer shall be able to terminate a contract for immigration services with a provider at will. Such right of termination shall not be affected by the terms of the contract and may not be waived or otherwise surrendered.

(NEW) Section 3. Statement of Buyer's Rights. Form. Language. Refund. Disclosure.

(a) A copy of the immigration services contract shall be delivered to the buyer at the time the contract is signed. All immigration services contracts shall be in writing and signed by the provider and the buyer, shall designate the date on which the buyer actually signs the contract, shall identify the address of the location at which the buyer entered the contract, shall be in English and every other language in which the provider provides or offers to provide immigration services and shall include a statement of buyer's rights which complies with this section. The statement must: (1) Appear in the contract under the conspicuous caption: "BUYER'S RIGHT TO CANCEL", and (2) read as follows:

"If you wish to cancel this contract, you may cancel by mailing a written notice by certified or registered mail to the address specified below. The notice must say 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 provider may request the return of all contracts and previously delivered documents. The notice must be delivered or mailed to:

....

....

(Insert name and mailing address for cancellation notice.)



The full text of this statement shall be in ten-point bold type.

(b) If a buyer cancels an immigration services contract pursuant to the three-day cancellation provision, the provider shall send the buyer a written confirmation of cancellation within fifteen days after receipt by the provider of the buyer's cancellation notice. If the provider fails to send such written notice to the buyer within fifteen days, the provider shall be deemed to have accepted the cancellation.

(c) Any refund to the buyer as a result of cancellation of the contract shall be delivered by the provider to the buyer within fifteen business days of receipt by the provider of the notice of cancellation.

(d) All immigration services contracts entered into by providers shall include the following statement and read as follows:

I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE. I AM NOT ACCREDITED TO REPRESENT YOU BEFORE THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES AND THE IMMIGRATION BOARD OF APPEALS.

The statement shall be in bold, in all capital letters and at least 12 point font.

(NEW) Section 4. Right of action. Remedies. Prohibitions. Unfair trade practices.

- (a) Any buyer of an immigration services contract which is in material violation of this chapter has a right of action against the provider for recovery of triple the amount actually paid to the provider under the contract. In addition to any judgment awarded to the buyer, the court may allow reasonable attorney's fees.
- (b) No provider shall (1) offer guaranteed results; (2) make representations of having influence over government officials, agencies and/or courts; or (3) make representations of access to programs or legal remedies not available to the general public.
- (c) A violation of any of the provisions of this chapter shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b.



Agency Legislative Proposal - 2013 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

2013 AAC the Prescription Drug Monitoring Program with coversheet.docx

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: DEPARTMENT OF CONSUMER PROTECTION

Liaison: GARY BERNER

Phone: 860-713-6208

E-mail: GARY.BERNER@CT.GOV

Lead agency division requesting this proposal:

DRUG CONTROL

Agency Analyst/Drafter of Proposal: GARY BERNER

Title of Proposal

An Act Concerning the Prescription Drug Monitoring Program

Statutory Reference

21a-254 and 21a-317

Proposal Summary

This proposal makes numerous changes expanding the electronic prescription drug monitoring program which is administered by the Department of Consumer Protection. It would require that nonresident pharmacies (as defined in Sec. 20-627) and other controlled substance dispensers, such as doctors' offices, dentists, etc., provide dispensing information by utilizing the Prescription Drug Monitoring Program. It also authorizes the Commissioner of Consumer Protection to identify products other than controlled drugs that may be included in the Prescription Drug Monitoring Program. It also increases the frequency with which dispensers must report the information to the Department from "twice monthly" to weekly. It also places a new requirement that no person or employer may prohibit, discourage or impede any prescriber from using the prescription drug monitoring program. Finally, it would place a new requirement on registrants holding a Controlled Substance Practitioner registration issued by DCP to also register for access to the prescription drug monitoring program.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- Reason for Proposal



Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?
- (3) Have certain constituencies called for this action?
- (4) What would happen if this was not enacted in law this session?

This proposal is offered to improve and expand the requirements of the Prescription Drug Monitoring Program. This program was created for the purpose of collecting and maintaining a data base of Schedule II through Schedule V controlled substances dispensed by pharmacies and other institutions. The information contained in the database is available for review by prescribing practitioners, pharmacists and in limited cases, law enforcement officials. The purpose is to determine misuse or diversion of controlled substance to ensure that patients receive the medical care they may need. The Department offers this proposal to improve the program by getting more data, and having it more frequently updated. Under current law, physicians that write and fill prescriptions in their own offices for controlled substances have not been required to report that information. This proposal closes that loophole. Additionally, this proposal gives the Commissioner authority to include other products or drugs in the program. An example would be to allow the collection of certain types of antibiotics (which are not on the schedule of controlled drugs) in times of epidemic. We also offer a proposal to make it impermissible for any person or employer to prohibit, discourage or impede the use of the program. The Department has been made aware of allegations of employers pressuring pharmacists not to use the program, presumably as it takes additional time from the employee's work of filling prescriptions. This change would ensure that pharmacists are allowed to use the program as their professional discretion dictates. Finally, under present law, there is no requirement that prescribers utilize the program. The Department seeks to make prescribers more aware of the existence and benefits of this program. Therefore we include a proposal to require holders of DCP controlled substance registration to simply register with the prescription drug monitoring program, thus introducing them to its benefits. This would be a one-time step, with no fiscal impact to the registrant or to the Department.

- **Origin of Proposal** New Proposal X (partial) Resubmission

If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

DCP proposed several changes to the program in 2012 in HB 5056, AAC the electronic Prescription Drug Monitoring Program. That bill passed the General Law committee and the House, but died due to inaction in the Senate. Two new provisions are added in this year's proposal: the requirement that no employer shall prohibit, discourage or impede a pharmacist from using the program, and the requirement that Controlled Substance Practitioners shall also register with the prescription drug monitoring program. The later proposal was heard during last session as Senate Bill 436 from Sen. Gerratana. The bill passed the Senate, but died due to inaction in the House.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)



Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

• **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

None.

State

None. The Department can administer and enforce within existing resources.

Federal

None.

Additional notes on fiscal impact

• **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

Insert fully drafted bill here



An Act Concerning the Prescription Drug Monitoring Program

Section 1. Sec. 21a-254. (Formerly Sec. 19-461). Designation of restricted drugs or substances by regulations. Records required by chapter. Establishment of electronic prescription drug monitoring program. Pharmacy and outpatient pharmacy controlled substance prescription reporting. Vendor collection of information. Confidentiality. Disclosure of information. Regulations. (a) The Commissioner of Consumer Protection, after investigation and hearing, may by regulation designate certain substances as restricted drugs or substances by reason of their exceptional danger to health or exceptional potential for abuse so as to require written records of receipt, use and dispensation, and may, after investigation and hearing, remove the designation as restricted drugs or substances from any substance so previously designated.

.....

(j) (1) The commissioner shall, within available appropriations, establish an electronic prescription drug monitoring program to collect, by electronic means, prescription information for schedules II, III, IV and V controlled substances, as defined in subdivision (9) of section 21a-240, that are dispensed by pharmacies, [and] nonresident pharmacies, as defined in section 20-627, outpatient pharmacies in hospitals or institutions or by any other dispenser as defined in section 21a-240. The program shall be designed to provide information regarding the prescription of controlled substances in order to prevent the improper or illegal use of the controlled substances and shall not infringe on the legitimate prescribing of a controlled substance by a prescribing practitioner acting in good faith and in the course of professional practice.

(2) The Commissioner of Consumer Protection may identify other products or substances to be included in the electronic prescription drug monitoring program established pursuant to subdivision (1) of this subsection.

[(2)] (3) Each pharmacy, [and each] nonresident pharmacy, as defined in section 20-627, outpatient pharmacy in a hospital or institution and dispenser, as defined in section 21a-240, shall report to the commissioner, at least [twice monthly] weekly, by electronic means or, if a pharmacy or outpatient pharmacy does not maintain records electronically, in a format approved by the commissioner, the following information for all controlled substance prescriptions dispensed by such pharmacy or outpatient pharmacy: (A) Dispenser identification number; (B) the date the prescription for the controlled substance was filled; (C) the prescription number; (D) whether the prescription for the controlled substance is new or a refill; (E) the national drug code number for the drug dispensed; (F) the



amount of the controlled substance dispensed and the number of days' supply of the controlled substance; (G) a patient identification number; (H) the patient's first name, last name and street address, including postal code; (I) the date of birth of the patient; (J) the date the prescription for the controlled substance was issued by the prescribing practitioner and the prescribing practitioner's Drug Enforcement Agency's identification number; and (K) the type of payment.

~~[(3)]~~ (4) The commissioner may contract with a vendor for purposes of electronically collecting such controlled substance prescription information. The commissioner and any such vendor shall maintain the information in accordance with the provisions of chapter 400j.

~~[(4)]~~ (5) The commissioner and any such vendor shall not disclose controlled substance prescription information reported pursuant to subdivision ~~[(2)]~~ (3) of this subsection, except as authorized pursuant to the provisions of sections 21a-240 to 21a-283, inclusive. Any person who knowingly violates any provision of this subdivision or subdivision ~~[(3)]~~ (4) of this subsection shall be guilty of a class D felony.

~~[(5)]~~ (6) The commissioner shall provide, upon request, controlled substance prescription information obtained in accordance with subdivision ~~[(2)]~~ (3) of this subsection to the following: (A) The prescribing practitioner who is treating or has treated a specific patient, provided the information is obtained for purposes related to the treatment of the patient, including the monitoring of controlled substances obtained by the patient; (B) the prescribing practitioner with whom a patient has made contact for the purpose of seeking medical treatment, provided the request is accompanied by a written consent, signed by the prospective patient, for the release of controlled substance prescription information; or (C) the pharmacist who is dispensing controlled substances for a patient, provided the information is obtained for purposes related to the scope of the pharmacist's practice and management of the patient's drug therapy, including the monitoring of controlled substances obtained by the patient. The prescribing practitioner or pharmacist shall submit a written and signed request to the commissioner for controlled substance prescription information. Such prescribing practitioner or pharmacist shall not disclose any such request except as authorized pursuant to sections 20-570 to 20-630, inclusive, or sections 21a-240 to 21a-283, inclusive.

(7) No person or employer shall prohibit, discourage or impede a prescribing practitioner or pharmacist from requesting controlled substance prescription information pursuant to this subsection.

~~[(6)]~~ (8) The commissioner shall adopt regulations, in accordance with chapter 54, concerning the reporting, evaluation, management and storage of electronic controlled substance prescription information.



Section 2. Sec. 21a-317. (Formerly Sec. 19-504l). Registration required. Every practitioner who distributes, administers or dispenses any controlled substance or who proposes to engage in distributing, prescribing, administering or dispensing any controlled substance within this state shall (1) obtain a certificate of registration issued by the Commissioner of Consumer Protection in accordance with the provisions of this chapter, and (2) register for access to the electronic prescription drug monitoring program, established in accordance with subsection (j) of section 21a-254, in a manner prescribed by the commissioner.

Agency Legislative Proposal - 2013 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

2013 AAC Charitable Games and the Gaming Policy Board.docx

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: DEPARTMENT OF CONSUMER PROTECTION

Liaison: GARY BERNER

Phone: 860-713-6208

E-mail: GARY.BERNER@CT.GOV

Lead agency division requesting this proposal:

Agency Analyst/Drafter of Proposal: GARY BERNER

Title of Proposal

An Act Concerning Charitable Games and the Gaming Policy Board

Statutory Reference

Proposal Summary

This proposal makes changes to various statutes regarding the oversight of Charitable Games and the authority of the Gaming Policy Board. The Department submits this proposal in an effort to streamline the process; making it easier for charities to apply for and run charitable games, while continuing to ensure that the Department maintains appropriate oversight of these activities. Specifically, changes are proposed in Sec. 7-175 to reduce the number of classes of permits (from seven to five), and increasing the length of time those permits can be used; and making it easier for a charity to conduct a bazaar or raffle in a neighboring municipality. Additionally, it makes it permissible for a sealed ticket distributor to charge charities less than 10% of the ticket value, which could have the effect of increasing the profits for charitable organizations. It makes a technical/conforming change in reference to "registrations," rather than "permits." This proposal also makes a change regarding the role of the Gaming Policy Board. Specifically, under current law the Department may move forward to amend our regulations and improve other internal procedures only after a time-consuming process requiring "approval" by the Board. This proposal amends that relationship by requiring the Department to work "in consultation" with the Gaming Policy Board.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

• Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

- **Origin of Proposal** **New Proposal** **Resubmission**

If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

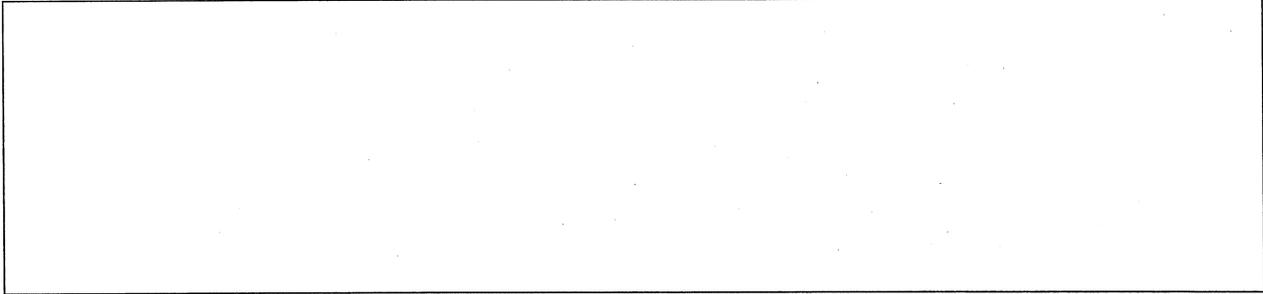
Municipal (please include any municipal mandate that can be found within legislation)

State

Federal

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



Insert fully drafted bill here

Section 1

2012 supplement is amended, as follows:

Sec. 7-169h. Sealed tickets. Definitions. Permits to sell. Fees. Regulations. Suspension or revocation of permit. Cease and desist order. Notice. Hearing. Appeals. Penalty. (a) For the purposes of this section and section 7-169i:

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

(2) "Department" means the Department of Consumer Protection;

(3) "Sealed ticket" means a card with tabs which, when pulled, expose pictures of various objects, symbols or numbers and which entitles the holder of the ticket to receive a prize if the combination of objects, symbols or numbers pictured matches what is determined to be a winning combination;

(4) "Distributor" means a person [who is a resident of this state and is] registered with the department to provide services related to the sale and distribution of sealed tickets to any organization permitted to sell sealed tickets by the department; and

(5) "Manufacturer" means a person who is registered with the department and who manufactures or assembles sealed tickets from raw materials, supplies or subparts.

(b) No person shall sell, offer for sale or distribute a sealed ticket who has not applied for and received a permit from the department to sell sealed tickets.

(c) No organization permitted to sell sealed tickets in this state shall purchase sealed tickets from anyone other than a distributor.

(d) A distributor shall not purchase sealed tickets for sale or use in this state from any person except a manufacturer. A distributor shall have a physical office in this state and such office shall be subject to inspection by the commissioner or the commissioner's duly designated agent during normal business

hours. No organization or group or any person affiliated with an organization or group permitted to sell sealed tickets under this section shall be permitted to be a distributor.

(e) A manufacturer shall not sell sealed tickets to any person in this state except a distributor.

(f) All sealed tickets purchased by a distributor for sale or use in this state shall be stored or warehoused in this state prior to their sale to any organization permitted to sell sealed tickets.

(g) All sealed tickets sold in this state shall meet the standards on pull-tabs adopted by the North American Gaming Regulators Association.

(h) (1) The department may issue a permit to sell sealed tickets to any organization or group specified in subsection (d) of section 7-169 which holds a bingo permit issued in accordance with the provisions of section 7-169. Such permit shall be renewed annually.

(2) The department may issue a permit to sell sealed tickets to any organization or group specified in subsection (d) of section 7-169 which holds a club permit or nonprofit club permit under the provisions of chapter 545. Such permit shall be renewed annually.

(3) The department may issue a permit to sell sealed tickets to any organization or group specified in section 7-172 which holds a permit to operate a bazaar, issued in accordance with the provisions of sections 7-170 to 7-186, inclusive.

(4) The department may issue a permit to sell sealed tickets to any charitable, civic, educational, fraternal, veterans' or religious organization, volunteer fire department or grange authorizing such organization to sell sealed tickets in conjunction with any social function or event sponsored or conducted by such organization. Any such organization shall have been organized for not less than two years prior to the date of its application for such permit. Such permit shall be renewed annually.

(i) On and after July 1, 2011, the department may sell any sealed tickets it has in its possession as of said date, provided it does not purchase any new sealed tickets after said date. Permittees shall purchase such sealed tickets from the department at a cost which is equal to ten per cent of their resale value, until the department's supply of sealed tickets has been fully depleted. After the department's supply of sealed tickets has been fully depleted, permittees shall purchase such sealed tickets from a distributor at a cost which [is equal to] does not exceed ten per cent of their resale value. Each such distributor shall remit thirty per cent of its gross revenue derived from such purchase fees to the State Treasurer on a quarterly basis.

(j) Each applicant for registration as a manufacturer or distributor shall apply to the commissioner on such forms as the commissioner prescribes. A distributor's application shall be accompanied by an annual fee of two thousand five hundred dollars, payable to the State Treasurer, and a manufacturer's application shall be accompanied by an annual fee of five thousand dollars, payable to the State Treasurer. Each applicant for an initial manufacturer or distributor registration shall submit to state and national criminal history records checks conducted in accordance with section 29-17a before such registration is issued.

(k) Notwithstanding the provisions of subsection (b) of section 53-278b and subsection (d) of section 53-278c, sealed tickets may be sold, offered for sale, displayed or open to public view only (1) during the course of a bingo game conducted in accordance with the provisions of section 7-169 and only at the location at which such bingo game is conducted, (2) on the premises of any such organization or group specified in subdivision (2) of subsection (h) of this section, (3) during the conduct of a bazaar under the provisions of sections 7-170 to 7-186, inclusive, or (4) in conjunction with any social function or event sponsored or conducted by any such organization specified in subdivision (4) of subsection (h) of this section. Subject to the provisions of section 7-169i, permittees may utilize a mechanical or electronic ticket dispensing machine approved by the department to sell sealed tickets. Sealed tickets shall not be sold to any person less than eighteen years of age. All proceeds from the sale of tickets shall be used for a charitable purpose, as defined in section 21a-190a.

(l) The fee for a permit to sell sealed tickets (1) issued to an organization authorized to conduct bingo under a "Class A" or "Class C" permit or to an organization specified in subdivision (4) of subsection (h) of this section in conjunction with any social function or event sponsored or conducted by such organization shall be fifty dollars, (2) issued to an organization which holds a club permit or nonprofit club permit under the provisions of chapter 545 shall be seventy-five dollars, and (3) issued to an organization authorized to conduct bingo under a "Class B" permit or an organization which holds a permit to operate a bazaar shall be five dollars per day.

(m) The commissioner, with the advice and consent of the Gaming Policy Board, shall adopt regulations in accordance with the provisions of chapter 54 to carry out the purposes of this section including, but not limited to, regulations concerning (1) qualifications of a charitable organization, (2) the price at which the charitable organization shall resell tickets, (3) information required on the ticket, including, but not limited to, the price per ticket, (4) the percentage retained by the organization as profit, which shall be at least ten per cent of the resale value of tickets sold, (5) the percentage of the resale value of tickets to be awarded as prizes, which shall be at least forty-five per cent, (6) apportionment of revenues received by the department from the sale of tickets, and (7) investigations of any charitable organization seeking a permit.

(n) (1) Whenever it appears to the commissioner after an investigation that any person is violating or is about to violate any provision of this section or administrative regulations issued pursuant thereto, the commissioner may in his or her discretion, to protect the public welfare, order that any registration or permit issued pursuant to this section be immediately suspended or revoked and that the person cease and desist from the actions constituting such violation or which would constitute such violation. After such an order is issued, the person named therein may, within fourteen days after receipt of the order, file a written request for a hearing. Such hearing shall be held in accordance with the provisions of chapter 54.

(2) Whenever the commissioner finds as the result of an investigation that any person has violated any provision of this section or administrative regulations issued pursuant thereto or made any false statement in any application for a registration or permit or in any report required by the commissioner, the commissioner may send a notice to such person by certified mail, return receipt requested. Any such

notice shall include (A) a reference to the section or regulation alleged to have been violated or the application or report in which an alleged false statement was made, (B) a short and plain statement of the matter asserted or charged, (C) the fact that any permit issued pursuant to this section may be suspended or revoked for such violation or false statement and the maximum penalty that may be imposed for such violation or false statement, and (D) the time and place for the hearing. Such hearing shall be fixed for a date not earlier than fourteen days after the notice is mailed.

(3) The commissioner shall hold a hearing upon the charges made unless such person fails to appear at the hearing. Such hearing shall be held in accordance with the provisions of chapter 54. If such person fails to appear at the hearing or if, after the hearing, the commissioner finds that such person committed such a violation or made such a false statement, the commissioner may, in his or her discretion, suspend or revoke such registration or permit and order that a civil penalty of not more than five hundred dollars be imposed upon such person for such violation or false statement. The commissioner shall send a copy of any order issued pursuant to this subdivision by certified mail, return receipt requested, to any person named in such order. Any person aggrieved by a decision of the commissioner under this subdivision shall have a right of appeal to the Gaming Policy Board for a hearing. Any person aggrieved by a decision of the Gaming Policy Board shall have a right of appeal pursuant to section 4-183.

(4) Whenever the commissioner revokes a registration or permit issued pursuant to this section, he or she shall not issue any registration or permit to such registration or permittee for one year after the date of such revocation.

Section 2

2012 supplement is amended, as follows:

Sec. 7-185a. Exceptions for certain organizations. "Fifty-fifty" coupon games. Cow-chip raffles. Teacup raffles. Duck-race raffles. Frog-race raffles. Golf ball-drop raffles. (a) Notwithstanding the provisions of sections 7-170 to 7-186, inclusive, and the regulations adopted thereunder, any organized church, volunteer fire company or veterans organization or association conducting a bazaar or raffle, [(1) may have the actual drawing of the raffle in a municipality other than the municipality which grants the permit, provided the chief executive officer of the other municipality has in writing approved such drawing; (2) may conduct the bazaar in a municipality other than the municipality which grants the permit, provided the municipality in which the bazaar is to be conducted has adopted the provisions of sections 7-170 to 7-186, inclusive, and the chief executive officer of such municipality has in writing approved such bazaar; (3)] (1) may be permitted to redeem prizes in cash; [(4)] 2 shall be exempt from the requirement of preserving unsold raffle tickets beyond ninety days after the conclusion of the holding, operating and conducting of such bazaar or raffle and shall be permitted to dispose of unclaimed prizes after such ninety days; and [(5)] 3 may file a reconciliation of expenditures and receipts signed by an officer in lieu of an accountant.

(b) Notwithstanding the provisions of sections 7-170 to 7-186, inclusive, and the regulations adopted thereunder, any sponsoring organization qualified to conduct a bazaar or raffle under the provisions of section 7-172, [and recognized as a nonprofit organization under the provisions of Section 501(c)(3) of the federal Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended,] (1) may have the actual drawing of the raffle in a municipality other than the municipality which grants the permit, provided the chief executive officer of the other municipality has in writing approved such drawing and (2) may conduct the bazaar in a municipality other than the municipality which grants the permit, provided the chief executive officer of the other municipality has in writing approved such bazaar.

(c) Notwithstanding the provisions of section 7-177, any organization conducting a bazaar may operate "fifty-fifty" coupon games each day of a permitted bazaar event or each day of an organization function or athletic event conducted in connection with a permitted special event bazaar and may award cash prizes of fifty per cent of "fifty-fifty" coupon game sales for each coupon drawing conducted. Not more than three scheduled drawings may be held on any day on which a bazaar is permitted or any day on which an organization function or athletic event is held under a special event bazaar permit. A "fifty-fifty" coupon game shall be operated from an authorized bazaar booth, subject to the regulation of the Commissioner of Consumer Protection and shall allow for the sale of "fifty-fifty" coupons at a predetermined uniform price. Each "fifty-fifty" coupon shall be consecutively numbered and shall have a correspondingly numbered stub. Each sponsoring organization shall provide different colored coupons for each drawing and shall award one prize for each drawing held. Each organization conducting such games shall conspicuously post, at each bazaar booth at which such games are conducted, a notice or notices which shall include the dates, times and places of any "fifty-fifty" coupon drawings, as well as the prices and colors of coupons to be sold for each drawing. The commissioner shall prescribe the form of such notice which shall contain the following statement: "Holders of coupons must be present to claim a prize." Each such organization shall account for each coupon printed and sold for each drawing and shall announce the amount of sales and the prize to be awarded immediately prior to each drawing. The sponsoring organization shall preserve all sold and unsold coupons or stubs for a period of at least one year from the date of the verified statement required pursuant to section 7-182.

Section 3

2012 supplement of the Conn General Statutes is amended, as follows:

Sec. 7-175. Kinds of permits. Permits under the provisions of sections 7-170 to 7-186, inclusive, shall be of [~~seven~~]five kinds. "Class No. 1" permits shall allow the operation of a raffle which shall be consummated within three months of the granting of the permit and the aggregate value of the prize or prizes offered shall be not more than [~~fifteen~~]twenty-five thousand dollars.

"Class No. 2" permits shall allow the operation of a raffle which shall be consummated within [two]six months of the granting of the permit and the aggregate value of the prize or prizes offered shall be not more than [two]fifty thousand dollars. "Class No. 3" permits shall allow the operation of a raffle which shall be consummated within one year of the granting of the permit and the aggregate value of the prize or prizes offered shall be not more than one hundred thousand dollars.[permit the operation of a bazaar for a period of not more than ten consecutive days, excluding legal holidays and holy days on which the bazaar is not functioning. Any bazaar held under the authority of any such permit shall be held within six months of the granting of such permit.] "Class No. 4" permits shall permit the operation of a bazaar for a period of not more than ten consecutive days, excluding legal holidays and holy days on which the bazaar is not functioning, and shall be held within six months of the granting of such permit.[allow the operation of a raffle which shall be consummated within one month of the granting of the permit and the aggregate value of the prize or prizes offered shall be not more than one hundred dollars.] "Class No. 5" permits shall permit the operation of a special event bazaar for a period of not more than one year from the granting of the permit.[allow the operation of a raffle which shall be consummated within nine months of the granting of the permit and the aggregate value of the prize or prizes offered shall be not more than fifty thousand dollars. "Class No. 6" permits shall allow the operation of a raffle which shall be consummated within one year of the granting of the permit and the aggregate value of the prize or prizes offered shall be not more than one hundred thousand dollars. "Class No. 7" permits shall allow the operation of a raffle which shall be consummated within fifteen months of the granting of the permit, shall allow no more than twelve prize drawings on separate dates and the aggregate value of the prize or prizes offered shall be not more than fifty thousand dollars.] No more than [one]twelve "Class No. 1", "Class No. 2", [permit, two] "Class No. 3" [permits, one]and "Class No. 4" permits, [five]or one "Class No. 5" permit[s, five "Class No. 6" permits or three "Class No. 2" permits] shall be issued to any qualifying organization within any one calendar year. The aggregate value of prizes offered under any of such permits shall represent the amount paid by the applicant for the prize or prizes or the retail value of the same if donated.

Sec. 7-176. Permit fees. The fees to be charged for permits shall be as follows: A "Class No. 1" permit, [fifty]forty dollars, twenty[-five] dollars to be retained by the municipality and twenty[-five] dollars remitted to the state; a "Class No. 2" permit, [twenty]eighty dollars, [ten]forty dollars to be retained by the municipality and [ten]forty dollars to be remitted to the state; a "Class No. 3" permit, [twenty]one hundred dollars, fifty dollars to be retained by the municipality and fifty dollars to be remitted to the state; [for each day of the bazaar, ten dollars to be retained by the municipality and ten dollars to be remitted to the state;] a "Class No. 4" permit, twenty dollars for each day of the bazaar, [five]ten dollars, to be retained by the municipality and ten dollars to be remitted to the state[;] and a "Class No. 5" permit, eighty dollars, forty dollars to be retained by the municipality and forty dollars remitted to the state[;] a "Class No. 6" permit, one hundred dollars, fifty dollars to be retained by the municipality and fifty dollars remitted to the state and a "Class No. 7" permit, one hundred dollars to be retained by the state.]

Sec. 7-177a. Cash prizes permitted. Special checking account. (a) Any sponsoring organization with a "Class No. 1"[, "Class No. 2", or "Class No. 4"] permit that is qualified to conduct a raffle under section 7-172 or 7-185a may conduct a frog-race, duck-race or traditional

raffle and may award cash prizes to participants in such a raffle in addition to those prizes authorized under section 7-177.

(b) Any sponsoring organization with a "Class No. [6]3" permit that is qualified to conduct a raffle under section 7-172 or 7-185a may conduct a golf ball-drop raffle and may award cash prizes to participants in such a raffle in addition to those prizes authorized under section 7-177.

(c) Any raffle described in subsection (a) or (b) of this section shall conform to the requirements of sections 7-170 to 7-186, inclusive. Each organization conducting a raffle described in this section shall deposit all proceeds from such raffle in a special checking account established and maintained by the organization which shall be subject to audit by the Department of Consumer Protection. Any expense incidental to the conduct of such raffle shall be paid from the gross receipts of raffle tickets and only by checks drawn from such checking account. All cash prizes awarded shall be paid from such checking account.

Section 4

Public Act 11-51 is amended, as follows:

Sec. 206. Section 7-169 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The term "bingo" is defined as the name of a game in which each player receives a card containing several rows of numbers and, as numbers are drawn or otherwise obtained by chance and publicly announced, the player first having a specified number of announced numbers appearing on his card in a continuous straight line or covering a previously designated arrangement of numbers on such card is declared the winner. The word "person" or "applicant", as used in this section, means the officer or representative of the sponsoring organization or the organization itself. The term "session" means a series of games played in one day. ["Executive director"] "Commissioner" means the [executive director of the Division of Special Revenue within the Department of Revenue Services] Commissioner of Consumer Protection, who shall be responsible for the administration and regulation of bingo in the state.

(b) Upon a written petition of five per cent or more of the electors of any municipality requesting the selectmen, common council or other governing body of such municipality to vote upon the question of permitting the playing of bingo within such municipality, such governing body shall vote upon such question and, if the vote is in

the affirmative, it shall be permitted, subject to the restrictions herein set forth, and if the vote is in the negative, bingo shall not be permitted to be played in such municipality. When the selectmen, common council or other governing body of any municipality have voted favorably upon the question of permitting the playing of bingo within such municipality, the playing of such game shall be permitted in such municipality indefinitely thereafter, without further petition or action by such governing body, unless such governing body has forbidden the playing of said game upon a similar written petition of five per cent or more of the electors of such municipality, whereupon bingo shall not be permitted to be played after such negative vote.

(c) The [executive director of the Division of Special Revenue] Commissioner of Consumer Protection, [with the advice and consent of] in consultation with the Gaming Policy Board, shall adopt, in accordance with the provisions of chapter 54, such regulations as are necessary [effectively] to effectively carry out the provisions of this section and section 7-169a, as amended by this act, in order to prevent fraud and protect the public, which regulations shall have the effect of law.

(d) No bingo game or series of bingo games shall be promoted, operated or played unless the same is sponsored and conducted exclusively by a charitable, civic, educational, fraternal, veterans' or religious organization, volunteer fire department or grange. Any such organization or group shall have been organized for not less than two years prior to its application for a bingo permit under the terms of this section. The promotion and operation of said game or games shall be confined solely to the qualified members of the sponsoring organization, except that the [executive director of the Division of Special Revenue] Commissioner of Consumer Protection may permit any qualified member of a sponsoring organization who has registered with the [executive director] said commissioner, on a form prepared by him or her for such purpose, to assist in the operation of a game sponsored by another organization. The [executive director] commissioner may revoke such registration for cause.

(e) Any eligible organization desiring to operate bingo games in any municipality in which the governing body has voted to permit the playing thereof shall [make application] apply to the [executive director of the Division of Special Revenue] Commissioner of Consumer Protection, which application shall contain a statement of the name and address of the applicant, the location of the place at which the games are to be played and the seating capacity of such place, the date or dates for which a permit is sought, the class of permit sought and any other information which the [executive director] commissioner reasonably requires for the protection of the public, and, upon payment of the fee [hereinafter] provided for in this section, the [executive director] commissioner is authorized to issue such permit, provided such eligible organization has been registered [by him] as provided in section 7-169a, as amended by this act.

(f) Permits shall be known as "Class A" which shall be annual one-day-per-week permits and shall permit the conduct of not more than forty and not less than fifteen bingo games on such day, and "Class B" which shall permit not more than forty and not less than fifteen bingo games per day for a maximum of ten successive days, and "Class C" which shall be annual one-day-per-month permits and shall permit the conduct of not more than forty and not less than fifteen bingo games on such day. "Class A" permits shall allow the playing of bingo no more than one day weekly. Not more than two "Class B" permits shall be issued to any one organization within any twelve-month period. "Class C" permits shall allow the playing of bingo no more than one day per month.

(g) Permit fees shall be remitted to the state as follows: "Class A", seventy-five dollars; "Class B", five dollars per day; "Class C", fifty dollars.

(h) Each person who operates bingo games shall keep accurate records of receipts and disbursements, which shall be available for inspection by the [executive director] commissioner and the chief law enforcement official in the municipality in which such bingo games are operated. Any information acquired by the [executive director] commissioner pursuant to this subsection shall be available to the Commissioner of Public Safety upon request.

(i) Prizes offered for the winning of bingo games may consist of cash, merchandise, tickets for any lottery conducted under chapter 226, the value of which shall be the purchase price printed on such tickets, or other personal property. No permittee may offer a prize which exceeds [one] two hundred dollars in value, except that (1) a permittee may offer a prize or prizes on any one day of not less than [one hundred one] two hundred fifty-one dollars or more than [three hundred] seven hundred fifty dollars in value, provided the total value of such prizes on any one day does not exceed [twelve] twenty-five hundred dollars, (2) a permittee may offer one or two winner-take-all games or series of games played on any day on which the permittee is allowed to conduct bingo, provided ninety per cent of all receipts from the sale of bingo cards for such winner-take-all game or series of games shall be awarded as prizes for such games or series of games and provided each prize awarded does not exceed [five hundred] one thousand dollars in value, (3) the holder of a Class A permit may offer two additional prizes on a weekly basis not to exceed [one hundred twenty-five] five hundred dollars each as a special grand prize and in the event such a special grand prize is not won, the money reserved for such prize shall be added to the money reserved for the next week's special grand prize, provided no such special grand prize may accumulate for more than sixteen weeks or exceed a total of [two] five thousand dollars, and (4) a permittee may award door prizes the aggregate value of which shall not exceed [two] five hundred dollars in value. When more than one player wins on the call of the same number, the designated prize shall be divided equally to the next nearest dollar. If a permittee elects, no winner may receive a prize which amounts to less than ten per cent

of the announced prize and in such case the total of such multiple prizes may exceed the statutory limit of such game.

(j) Any organization operating or conducting a bingo game shall file a return with the [executive director] commissioner, on a form prepared by him or her, within ten days after such game is held or within such further time as the [executive director] commissioner may allow, and pay to the state a fee of five per cent of the gross receipts, less the prizes awarded including prizes reserved for special grand prize games, derived from such games at each bingo session. All such returns shall be public records. The [executive director] commissioner shall pay each municipality in which bingo games are conducted, one-quarter of one per cent of the total money wagered less prizes awarded on such games conducted. He or she shall make such payment at least once a year and not more than four times a year from the fee imposed pursuant to this subsection.

(k) (1) Whenever it appears to the [executive director] commissioner after an investigation that any person is violating or is about to violate any provision of this section or section 7-169a, as amended by this act, or administrative regulations issued pursuant thereto, the [executive director] commissioner may in his or her discretion, to protect the public welfare, order that any permit issued pursuant to this section be immediately suspended or revoked and that the person cease and desist from the actions constituting such violation or which would constitute such violation. After such an order is issued, the person named therein may, [within] not later than fourteen days after receipt of the order, file a written request for a hearing. Such hearing shall be held in accordance with the provisions of chapter 54.

(2) Whenever the [executive director] commissioner finds as the result of an investigation that any person has violated any provision of this section or section 7-169a, as amended by this act, or administrative regulations issued pursuant thereto or made any false statement in any application for a permit or in any report required by this section or section 7-169a, as amended by this act, or by the [executive director] commissioner, the [executive director] commissioner may send a notice to such person by certified mail, return receipt requested. Any such notice shall include (A) a reference to the section or regulation alleged to have been violated or the application or report in which an alleged false statement was made, (B) a short and plain statement of the matter asserted or charged, (C) the fact that any permit issued pursuant to this section may be suspended or revoked for such violation or false statement and the maximum penalty that may be imposed for such violation or false statement, and (D) the time and place for the hearing. Such hearing shall be fixed for a date not earlier than [fourteen] thirty days after the notice is mailed.

(3) The [executive director] commissioner shall hold a hearing upon the charges made unless such person fails to appear at the hearing. Such hearing shall be held in

accordance with the provisions of chapter 54. If such person fails to appear at the hearing or if, after the hearing, the [executive director] commissioner finds that such person committed such a violation or made such a false statement, the [executive director] commissioner may, in his or her discretion, suspend or revoke such permit and order that a civil penalty of not more than two hundred dollars be imposed upon such person for such violation or false statement. The [executive director] commissioner shall send a copy of any order issued pursuant to this subdivision by certified mail, return receipt requested, to any person named in such order. Any person aggrieved by a decision of the [executive director] commissioner under this subdivision shall have a right of appeal [to the Gaming Policy Board for a hearing. Any person aggrieved by a decision of the Gaming Policy Board shall have a right of appeal] pursuant to section 4-183.

(4) Whenever the [executive director] commissioner revokes a permit issued pursuant to this section, he or she shall not issue any permit to such permittee for one year after the date of such revocation.

(5) Any person who promotes or operates any bingo game without a permit therefor, or who violates any provision of this section or section 7-169a, as amended by this act, or administrative regulations issued pursuant thereto, or who makes any false statement in any application for a permit or in any report required by this section or section 7-169a, as amended by this act, or by the [executive director] commissioner shall be fined not more than [two] five hundred dollars or imprisoned not more than sixty days, or both.

Sec. 208. Section 7-169a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

Every organization desiring to apply for a permit under subsection (e) of section 7-169, as amended by this act, to operate bingo games shall, before making any such application, register with the [executive director of the Division of Special Revenue] Commissioner of Consumer Protection on forms furnished by [him] the commissioner and secure an identification number. All applications for permits, amendment of permits, reports and any other papers relating to games of bingo shall bear the identification number of the organization involved. Neither registration nor the assignment of an identification number, which may be revoked for cause, shall constitute, or be any evidence of, the eligibility of any organization to receive a permit for or to conduct any game of bingo.

Sec. 209. Section 7-169c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Any organization whose membership consists of persons sixty years of age or over may operate and conduct bingo games on and after January 1, 1989, for the amusement and recreation of its members without a permit as required by section 7-169, as amended by this act, provided (1) such organization has registered with and applied for and received an identification number from the [executive director of the Division of Special Revenue] Commissioner of Consumer Protection, (2) such organization does not charge an admission fee in excess of one dollar, (3) the prize or prizes awarded do not exceed [twenty] fifty dollars in value, either in cash or merchandise, and (4) only active members of such organization assist in the operation of the bingo games without compensation. The [executive director] commissioner may revoke any such registration for cause.

(b) Each such organization which operates bingo games shall keep accurate records of receipts and disbursements, which shall be available for inspection by the [executive director] commissioner.

(c) Each such organization shall be exempt from the provisions of sections 7-169, as amended by this act, and 7-169a, as amended by this act.

(d) The [executive director of the Division of Special Revenue] Commissioner of Consumer Protection, [with the advice and consent of] in consultation with the Gaming Policy Board, shall adopt, in accordance with the provisions of chapter 54, such regulations as are necessary effectively to carry out the provisions of this section in order to prevent fraud and protect the public, which regulations shall have the effect of law.

Sec. 210. Section 7-169d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) As used in this section (1) "bingo" has the same meaning as provided in section 7-169, as amended by this act, and (2) "bingo products" means bingo ball equipment, bingo cards or bingo paper.

(b) Each group or organization authorized to operate or conduct a bingo game or series of bingo games pursuant to sections 7-169, as amended by this act, 7-169a, as amended by this act, and 7-169c, as amended by this act, shall use bingo products that are (1) owned in full by such group or organization, (2) used without compensation by such group or organization, or (3) rented or purchased from a bingo product manufacturer or equipment dealer who is registered with the [Division of Special Revenue] Commissioner of Consumer Protection in accordance with subsection (c) of this section.

(c) Each applicant for registration as a bingo product manufacturer or equipment dealer shall apply to the [executive director of the Division of Special Revenue] Commissioner

of Consumer Protection on such forms as the [executive director] commissioner prescribes. The application shall be accompanied by an annual fee of [one thousand seven hundred fifty] two thousand five hundred dollars payable to the State Treasurer. Each applicant for an initial registration shall submit to state and national criminal history records checks conducted in accordance with section 29-17a before such registration is issued.

(d) No registered bingo product manufacturer or equipment dealer shall rent or sell any type of bingo product that has not been approved by the [executive director of the Division of Special Revenue] Commissioner of Consumer Protection.

(e) The [Division of Special Revenue] Commissioner of Consumer Protection may revoke for cause any registration issued in accordance with subsection (c) of this section.

(f) The [executive director of the Division of Special Revenue] Commissioner of Consumer Protection may adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

Sec. 211. Section 7-169e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Any parent teacher association or organization may operate and conduct games of bingo, as defined in section 7-169, as amended by this act, for the amusement and recreation of such association's or organization's members and guests without a permit, as required by said section, provided (1) such association or organization registers annually with the [Division of Special Revenue] Department of Consumer Protection and pays an annual registration fee of [forty] eighty dollars, (2) such association or organization obtains an identification number from the division, (3) such association or organization charges an admission fee of not more than one dollar, (4) each individual prize of cash or merchandise offered does not exceed [twenty] fifty dollars in value, and (5) only active members of such association or organization assist in the operation of the games of bingo and assist without compensation. The [executive director of the Division of Special Revenue] Commissioner of Consumer Protection may revoke any such registration for cause. Any registration fees collected in accordance with this subsection shall be remitted to the state.

(b) Each such association or organization shall keep accurate records of receipts and disbursements related to such games of bingo, and such records shall be available for inspection by the [executive director] Commissioner of Consumer Protection.

(c) Each such association or organization shall be exempt from the requirements of sections 7-169 and 7-169a, as amended by this act.

(d) The [executive director of the Division of Special Revenue] Commissioner of Consumer Protection, in consultation with the Gaming Policy Board, shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section in order to prevent fraud and protect the public.

Sec. 212. Section 7-169h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) For the purposes of this section and section 7-169i, as amended by this act:

(1) ["Executive director"] "Commissioner" means the [executive director of the Division of Special Revenue within the Department of Revenue Services who shall be responsible for the regulation of the distribution and sale of sealed tickets in the state] Commissioner of Consumer Protection;

(2) ["Division"] "Department" means the [Division of Special Revenue within the Department of Revenue Services] Department of Consumer Protection;

(3) "Sealed ticket" means a card with tabs which, when pulled, expose pictures of various objects, symbols or numbers and which entitles the holder of the ticket to receive a prize if the combination of objects, symbols or numbers pictured matches what is determined to be a winning combination;

(4) "Distributor" means a person who is a resident of this state and is registered with the department to provide services related to the sale and distribution of sealed tickets to any organization permitted to sell sealed tickets by the department; and

(5) "Manufacturer" means a person who is registered with the department and who manufactures or assembles sealed tickets from raw materials, supplies or subparts.

(b) No person shall sell, offer for sale or distribute a sealed ticket who has not applied for and received a permit from the [division] department to sell sealed tickets.

(c) No organization permitted to sell sealed tickets in this state shall purchase sealed tickets from anyone other than a distributor.

(d) A distributor shall not purchase sealed tickets for sale or use in this state from any person except a manufacturer. A distributor shall have a physical office in this state and such office shall be subject to inspection by the commissioner or the commissioner's duly designated agent during normal business hours. No organization or group or any person affiliated with an organization or group permitted to sell sealed tickets under this section shall be permitted to be a distributor.

(e) A manufacturer shall not sell sealed tickets to any person in this state except a distributor.

(f) All sealed tickets purchased by a distributor for sale or use in this state shall be stored or warehoused in this state prior to their sale to any organization permitted to sell sealed tickets.

(g) All sealed tickets sold in this state shall meet the standards on pull-tabs adopted by the North American Gaming Regulators Association.

[(c) (1) On and after October 1, 1987, the division] (h) (1) The department may issue a permit to sell sealed tickets to any organization or group specified in subsection (d) of section 7-169, as amended by this act, which holds a bingo permit issued in accordance with the provisions of section 7-169, as amended by this act. Such permit shall be renewed annually.

(2) The [division] department may issue a permit to sell sealed tickets to any organization or group specified in subsection (d) of section 7-169, as amended by this act, which holds a club permit or nonprofit club permit under the provisions of chapter 545. Such permit shall be renewed annually.

(3) The [division] department may issue a permit to sell sealed tickets to any organization or group specified in section 7-172 which holds a permit to operate a bazaar, issued in accordance with the provisions of sections 7-170 to 7-186, inclusive.

(4) The [division] department may issue a permit to sell sealed tickets to any charitable, civic, educational, fraternal, veterans' or religious organization, volunteer fire department or grange authorizing such organization to sell sealed tickets in conjunction with any social function or event sponsored or conducted by such organization. Any such organization shall have been organized for not less than two years prior to the date of its application for such permit. Such permit shall be renewed annually.

[(d) Permittees shall purchase sealed tickets from the division at a cost which is equal to ten per cent of their resale value.] (i) On and after July 1, 2011, the department may sell any sealed tickets it has in its possession as of said date, provided it does not purchase any new sealed tickets after said date. Permittees shall purchase such sealed tickets from the department at a cost which is equal to ten per cent of their resale value, until the department's supply of sealed tickets has been fully depleted. After the department's supply of sealed tickets has been fully depleted, permittees shall purchase such sealed tickets from a distributor at a cost which is equal to ten per cent of their resale value. Each such distributor shall remit thirty per cent of its gross revenue derived from such purchase fees to the State Treasurer on a quarterly basis.

(j) Each applicant for registration as a manufacturer or distributor shall apply to the commissioner on such forms as the commissioner prescribes. A distributor's application shall be accompanied by an annual fee of two thousand five hundred dollars, payable to the State Treasurer, and a manufacturer's application shall be accompanied by an annual fee of five thousand dollars, payable to the State Treasurer. Each applicant for an initial manufacturer or distributor registration shall submit to state and national criminal history records checks conducted in accordance with section 29-17a before such registration is issued.

[(e)] (k) Notwithstanding the provisions of subsection (b) of section 53-278b and subsection (d) of section 53-278c, sealed tickets may be sold, offered for sale, displayed or open to public view only (1) during the course of a bingo game conducted in accordance with the provisions of section 7-169, as amended by this act, and only at the location at which such bingo game is conducted, (2) on the premises of any such organization or group specified in subdivision (2) of subsection [(c)] (h) of this section, (3) during the conduct of a bazaar under the provisions of sections 7-170 to 7-186, inclusive, or (4) in conjunction with any social function or event sponsored or conducted by any such organization specified in subdivision (4) of subsection [(c)] (h) of this section. Subject to the provisions of section 7-169i, as amended by this act, permittees may utilize a mechanical or electronic ticket dispensing machine approved by the division to sell sealed tickets. Sealed tickets shall not be sold to any person less than eighteen years of age. All proceeds from the sale of tickets shall be used for a charitable purpose, as defined in section 21a-190a.

[(f)] (l) The fee for a permit to sell sealed tickets (1) issued to an organization authorized to conduct bingo under a "Class A" or "Class C" permit or to an organization specified in subdivision (4) of subsection [(c)] (h) of this section in conjunction with any social function or event sponsored or conducted by such organization shall be fifty dollars, (2) issued to an organization which holds a club permit or nonprofit club permit under the provisions of chapter 545 shall be seventy-five dollars, and (3) issued to an organization authorized to conduct bingo under a "Class B" permit or an organization which holds a permit to operate a bazaar shall be five dollars per day.

[(g)] (m) The [executive director] commissioner, [with the advice and consent of] in consultation with the Gaming Policy Board, shall adopt regulations in accordance with the provisions of chapter 54 to carry out the purposes of this section including, but not limited to, regulations concerning (1) qualifications of a charitable organization, (2) the price at which the charitable organization shall resell tickets, (3) information required on the ticket, including, but not limited to, the price per ticket, (4) the percentage retained by the organization as profit, which shall be at least ten per cent of the resale value of tickets sold, (5) the percentage of the resale value of tickets to be awarded as prizes, which shall be at least forty-five per cent, (6) apportionment of revenues

received by the division from the sale of tickets, and (7) investigations of any charitable organization seeking a permit.

[(h)] (n) (1) Whenever it appears to the [executive director of the Division of Special Revenue] commissioner after an investigation that any person is violating or is about to violate any provision of this section or administrative regulations issued pursuant thereto, the [executive director] commissioner may in his or her discretion, to protect the public welfare, order that any permit issued pursuant to this section be immediately suspended or revoked and that the person cease and desist from the actions constituting such violation or which would constitute such violation. After such an order is issued, the person named therein may, within fourteen days after receipt of the order, file a written request for a hearing. Such hearing shall be held in accordance with the provisions of chapter 54.

(2) Whenever the [executive director] commissioner finds as the result of an investigation that any person has violated any provision of this section or administrative regulations issued pursuant thereto or made any false statement in any application for a permit or in any report required by the [executive director, the executive director] commissioner, the commissioner may send a notice to such person by certified mail, return receipt requested. Any such notice shall include (A) a reference to the section or regulation alleged to have been violated or the application or report in which an alleged false statement was made, (B) a short and plain statement of the matter asserted or charged, (C) the fact that any permit issued pursuant to this section may be suspended or revoked for such violation or false statement and the maximum penalty that may be imposed for such violation or false statement, and (D) the time and place for the hearing. Such hearing shall be fixed for a date not earlier than fourteen days after the notice is mailed.

(3) The [executive director] commissioner shall hold a hearing upon the charges made unless such person fails to appear at the hearing. Such hearing shall be held in accordance with the provisions of chapter 54. If such person fails to appear at the hearing or if, after the hearing, the [executive director] commissioner finds that such person committed such a violation or made such a false statement, the [executive director] commissioner may, in his or her discretion, suspend or revoke such permit and order that a civil penalty of not more than [two] five hundred dollars be imposed upon such person for such violation or false statement. The [executive director] commissioner shall send a copy of any order issued pursuant to this subdivision by certified mail, return receipt requested, to any person named in such order. Any person aggrieved by a decision of the [executive director] commissioner under this subdivision shall have a right of appeal [to the Gaming Policy Board for a hearing. Any person aggrieved by a decision of the Gaming Policy Board shall have a right of appeal] pursuant to section 4-183.

(4) Whenever the [executive director] commissioner revokes a permit issued pursuant to this section, he or she shall not issue any permit to such permittee for one year after the date of such revocation.

Sec. 213. Section 7-169i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) No permittee pursuant to section 7-169h, as amended by this act, may use a mechanical or electronic ticket dispensing machine to sell sealed tickets unless such machine is owned in full by the permittee or is rented or purchased from a manufacturer or dealer who is registered with the [Division of Special Revenue] Department of Consumer Protection.

(b) Each applicant for registration as a manufacturer or dealer in sealed ticket dispensing machines shall apply to the [executive director] commissioner on such forms as the [executive director] commissioner prescribes. The application for manufacturer shall be accompanied by an annual fee of [six hundred twenty-five] one thousand two hundred fifty dollars payable to the State Treasurer. The application for dealer shall be accompanied by an annual fee of six hundred twenty-five dollars payable to the State Treasurer. Each applicant for initial registration shall submit to state and national criminal history records checks conducted in accordance with section 29-17a before such registration is issued.

(c) The [Division of Special Revenue] Department of Consumer Protection may revoke for cause any registration issued in accordance with subsection (a) of this section.

(d) The [executive director of the Division of Special Revenue] commissioner may adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

Sec. 7-181. Suspension or revocation of registration or permit. Cease and desist order.

Notice of violation. Hearing. Penalty. Appeals. (a) Whenever it appears to the executive director of the Division of Special Revenue after an investigation that any person is violating or is about to violate any provision of sections 7-170 to 7-185, inclusive, or administrative regulations issued pursuant thereto, the executive director may in his discretion, to protect the public welfare, order that any registration or permit issued pursuant to said sections be immediately suspended or revoked and that the person cease and desist from the actions constituting such violation or which would constitute such violation. After such an order is issued, the person named therein may, within fourteen days after receipt of the order, file a written request for a hearing. Such hearing shall be held in accordance with the provisions of chapter 54.

(b) Whenever the executive director of the Division of Special Revenue finds as the result of

an investigation that any person has violated any provision of sections 7-170 to 7-185, inclusive, or administrative regulations issued pursuant thereto or made any false statement in any application for a permit or in any report required by the provisions of said sections, the executive director may send a notice to such person by certified mail, return receipt requested. Any such notice shall include (1) a reference to the section or regulation alleged to have been violated or the application or report in which an alleged false statement was made, (2) a short and plain statement of the matter asserted or charged, (3) the fact that any registration or permit issued pursuant to sections 7-170 to 7-185, inclusive, may be suspended or revoked for such violation or false statement and the maximum penalty that may be imposed for such violation or false statement, and (4) the time and place for the hearing. Such hearing shall be fixed for a date not earlier than fourteen days after the notice is mailed.

(c) The executive director shall hold a hearing upon the charges made unless such person fails to appear at the hearing. Such hearing shall be held in accordance with the provisions of chapter 54. If such person fails to appear at the hearing or if, after the hearing, the executive director finds that such person committed such a violation or made such a false statement, the executive director may, in his discretion, suspend or revoke such registration or permit and order that a civil penalty of not more than two hundred dollars be imposed upon such person for such violation or false statement. The executive director shall send a copy of any order issued pursuant to this subsection by certified mail, return receipt requested, to any person named in such order. Any person aggrieved by a decision of the executive director under this subsection shall have a right of appeal [to the Gaming Policy Board for a hearing. Any person aggrieved by a decision of the Gaming Policy Board shall have a right of appeal] pursuant to section 4-183.

(d) Whenever the executive director revokes a permit issued pursuant to sections 7-170 to 7-186, inclusive, the issuing authority shall not issue any permit to such permittee for three years after the date of such violation.

Sec. 7-185. Regulations. The executive director of the Division of Special Revenue, [with the advice and consent of] in consultation with the Gaming Policy Board, shall adopt, in accordance with the provisions of chapter 54, such regulations as are necessary to effectuate the provisions of sections 7-170 to 7-186, inclusive, in order to prevent fraud and protect the public, which regulations shall have the effect of law.

Sec. 207. Section 7-185a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Notwithstanding the provisions of sections 7-170 to 7-186, inclusive, and the regulations adopted thereunder, any organized church, volunteer fire company or veterans organization or association conducting a bazaar or raffle, (1) may have the actual drawing of the raffle in a municipality other than the municipality which grants the permit, provided the chief executive officer of the other municipality has in writing

approved such drawing; (2) may conduct the bazaar in a municipality other than the municipality which grants the permit, provided the municipality in which the bazaar is to be conducted has adopted the provisions of sections 7-170 to 7-186, inclusive, and the chief executive officer of such municipality has in writing approved such bazaar; (3) may be permitted to redeem prizes in cash; (4) shall be exempt from the requirement of preserving unsold raffle tickets beyond ninety days after the conclusion of the holding, operating and conducting of such bazaar or raffle and shall be permitted to dispose of unclaimed prizes after such ninety days; and (5) may file a reconciliation of expenditures and receipts signed by an officer in lieu of an accountant.

(b) Notwithstanding the provisions of sections 7-170 to 7-186, inclusive, as amended by this act, and the regulations adopted thereunder, any sponsoring organization qualified to conduct a bazaar or raffle under the provisions of section 7-172 and recognized as a nonprofit organization under the provisions of Section 501(c)(3) of the federal Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, may have the actual drawing of the raffle in a municipality other than the municipality which grants the permit, provided the chief executive officer of the other municipality has in writing approved such drawing.

(c) Notwithstanding the provisions of section 7-177, any organization conducting a bazaar may operate "fifty-fifty" coupon games each day of a permitted bazaar event and may award cash prizes of fifty per cent of "fifty-fifty" coupon game sales for each coupon drawing conducted. Not more than three scheduled drawings may be held on any day on which a bazaar is permitted. A "fifty-fifty" coupon game shall be operated from an authorized bazaar booth, subject to the regulation of the [executive director of the Division of Special Revenue] commissioner and shall allow for the sale of "fifty-fifty" coupons at a predetermined uniform price. Each "fifty-fifty" coupon shall be consecutively numbered and shall have a correspondingly numbered stub. Each sponsoring organization shall provide different colored coupons for each drawing and shall award one prize for each drawing held. Each organization conducting such games shall conspicuously post, at each bazaar booth at which such games are conducted, a notice or notices which shall include the dates, times and places of any "fifty-fifty" coupon drawings, as well as the prices and colors of coupons to be sold for each drawing. The [executive director] commissioner shall prescribe the form of such notice which shall contain the following statement: "Holders of coupons must be present to claim a prize. " Each such organization shall account for each coupon printed and sold for each drawing and shall announce the amount of sales and the prize to be awarded immediately prior to each drawing. The sponsoring organization shall preserve all sold and unsold coupons or stubs for a period of at least one year from the date of the verified statement required pursuant to section 7-182. [At the conclusion of a bazaar, each organization conducting such games, and its members who were in charge thereof, shall furnish to the chief of police of the municipality or to the first selectman, as the case may be, a verified statement, prescribed by the executive director of the Division of

Special Revenue, in duplicate, showing (1) the total number of coupons purchased and sold for each "fifty-fifty" coupon game drawing, and (2) the total number and amount of prizes awarded and the names and addresses of the persons to whom the prizes were awarded. Such report shall be furnished during the next succeeding month. The chief of police or first selectman, as the case may be, shall forward the original copy of such report to the executive director, who shall keep it on file and available for public inspection for a period of one year thereafter. Such report shall be certified to under penalty of false statement by the three persons designated in the permit application as being responsible for the bazaar.]

(d) Notwithstanding the provisions of section 7-177, any sponsoring organization qualified to conduct a bazaar or raffle under the provisions of section 7-172 may operate a cow-chip raffle once a calendar year and [, pursuant to a "Class No. 1", "Class No. 2" or "Class No. 4" permit,] may award cash prizes in connection with participation in such a raffle, in addition to those prizes authorized pursuant to section 7-177. Such raffles shall conform to the provisions of sections 7-170 to 7-186, inclusive, and shall be subject to regulation by the [executive director of the Division of Special Revenue] Commissioner of Consumer Protection. A cow-chip raffle shall allow for the sale of consecutively numbered tickets with correspondingly numbered stubs, entitling the holders of such tickets to the temporary possession of a plot of land for purposes of the conduct of the cow-chip raffle. [Each organization intending to sponsor or conduct a cow-chip raffle shall furnish with its application, required pursuant to section 7-173, a cow-chip raffle plot plan displaying the land area to be utilized for such raffle and the numbered plots, each corresponding to a numbered cow-chip raffle ticket. Each such] Each organization conducting a cow-chip raffle shall provide for a suitable land area on which the cow-chip raffle activity is to be conducted. The area shall be sufficiently enclosed so as to confine any animal utilized in the conduct of a cow-chip raffle during the period in which the animal is so utilized. The area shall be adequately marked so as to display the number of plots to be utilized, which shall correspond to the number of cow-chip raffle tickets to be sold. The manner in which winners in a cow-chip raffle are determined shall be clearly stated prior to the commencement of a cow-chip raffle drawing and each sponsoring organization shall conspicuously post an information board [, prescribed by the executive director of the Division of Special Revenue,] which shall display the consecutively numbered plots of the cow-chip raffle event. A cow-chip raffle drawing shall commence at a designated time and shall continue until all winners of authorized prizes have been determined. No person may feed, lead or handle any animal utilized in a cow-chip raffle once the animal has entered into the enclosed area from which winners will be determined. Each organization conducting a cow-chip raffle shall deposit all proceeds from the conduct of such raffle in a special checking account established and maintained by such organization, which shall be subject to audit by the [Division of Special Revenue] Commissioner of Consumer Protection. Any expense incidental to the conduct of such raffle shall be paid from the gross receipts of cow-chip

raffle tickets and only by checks drawn from such checking account. All cash prizes awarded shall be paid from such checking account.

(e) Notwithstanding the provisions of sections 7-170 to 7-186, inclusive, and the regulations adopted pursuant to said sections, any organization conducting a bazaar may operate a "teacup raffle" and may, through the sale of chances, award prizes consisting of gift certificates or merchandise, each not exceeding two hundred fifty dollars in value. No such organization may conduct more than one scheduled "teacup raffle" drawing for all prizes offered on any day on which a bazaar is permitted. A "teacup raffle" shall be operated from an authorized bazaar booth, and shall be subject to regulation by the [executive director of the Division of Special Revenue] Commissioner of Consumer Protection. Each "teacup raffle" ticket shall (1) be consecutively numbered and have a correspondingly numbered stub that shall include the name, address and telephone number of the purchaser, or (2) be a sheet containing up to twenty-five coupons, each bearing the same number, and including a "hold" stub for the purchaser and a correspondingly numbered stub including the name, address and telephone number of the purchaser. [The Division of Special Revenue shall be the sole issuer of sheet] Sheet tickets [which] shall be made available for purchase by permittees as fund raising items at a price not to exceed ten per cent above the [state] purchase price. Each sponsoring organization conducting such raffle shall conspicuously post, at each bazaar booth at which such raffle is conducted, a notice or notices that include the date and time of any "teacup raffle" drawing. The sponsoring organization shall preserve all sold and unsold tickets or stubs for a period of at least one year from the date of the verified statement required pursuant to section 7-182.

(f) (1) Any sponsoring organization qualified to conduct a bazaar or raffle under the provisions of section 7-172 may operate a duck-race raffle once each calendar year. Such raffles shall conform to the provisions of sections 7-170 to 7-186, inclusive, and shall be subject to regulation by the [executive director] Commissioner of Consumer Protection. For the purpose of this subsection, "duck-race raffle" means a raffle in which artificial ducks, numbered consecutively to correspond with the number of tickets sold for such raffle, are placed in a naturally moving stream of water at a designated starting point and in which the ticket corresponding to the number of the first duck to pass a designated finishing point is the winning ticket. (2) The [executive director of the Division of Special Revenue] Commissioner of Consumer Protection, [with the advice and consent of] in consultation with the Gaming Policy Board, shall adopt regulations, in accordance with chapter 54, that establish procedures for the operation of duck-race raffles.

(g) (1) Any sponsoring organization qualified to conduct a bazaar or raffle under the provisions of section 7-172 may operate a frog-race raffle once each calendar year. Such raffles shall conform to the provisions of sections 7-170 to 7-186, inclusive, and shall be subject to regulation by the [executive director of the Division of Special Revenue]

Commissioner of Consumer Protection. For the purpose of this subsection, "frog-race raffle" means a raffle in which artificial frogs conforming to specifications approved by the [executive director] commissioner and numbered consecutively to correspond with the number of tickets sold for such raffle, are placed in a naturally moving stream of water at a designated starting point and in which the ticket corresponding to the number of the first frog to pass a designated finishing point is the winning ticket. (2) The [executive director] commissioner, [with the advice and consent of] in consultation with the Gaming Policy Board, shall adopt regulations, in accordance with chapter 54, that establish procedures for the operation of frog-race raffles.

Sec. 214. Section 7-185b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) As used in this section, "tuition raffle" means a raffle in which the prize is payment of the tuition or part of the tuition at an educational institution for a student recipient designated by the raffle winner.

(b) Notwithstanding the provisions of sections 7-170 to 7-186, inclusive, any organization qualified to conduct a bazaar or raffle under section 7-172 may conduct a special tuition raffle once each calendar year. The [executive director] commissioner shall adopt such regulations, in accordance with chapter 54, as are necessary to carry out the provisions of this section. Said regulations shall allow (1) any organization permitted to conduct a special tuition raffle to fund all or a portion of a student recipient's education each year for a period not to exceed four years, (2) permit the student recipient to be the actual tuition raffle winner, a relative of the raffle winner or a student chosen by the raffle winner, (3) give authority to the sponsoring organization to permit the tuition prize to be divided among student recipients designated by the raffle winner, (4) provide that the tuition prize be paid each consecutive year, commencing with the first year of the student recipient's education at an accredited private or parochial school, or public or independent institution of higher education selected by the student recipient, (5) provide that the tuition prize be paid directly to the educational institution designated by the student recipient, and no tuition prize shall be redeemed or redeemable for cash, and (6) provide that the tuition raffle winner have a period not to exceed four years to designate a student recipient.

(c) All proceeds of the special tuition raffle shall be deposited in a special dedicated bank account approved by the [executive director of the Division of Special Revenue] Commissioner of Consumer Protection, and all special tuition raffle expenses shall be paid from such account. The [executive director] commissioner shall prescribe the maintenance of tuition raffle accounts by any sponsoring organization and such accounts shall be subject to audit by the [executive director] commissioner or [his] a

designee. The [executive director] commissioner may require any organization conducting a tuition raffle to post a performance bond in an amount sufficient to fully fund the special tuition raffle prize to be awarded.

(d) Any organization permitted to conduct a special tuition raffle shall [, in addition to the verified financial statement required in accordance with section 7-182,] file a tuition raffle financial report in a manner prescribed by the [executive director] commissioner. Such report shall detail the status of the tuition prize money or the raffle and any other information that the [executive director] commissioner may require, on a quarterly basis, during the months of January, April, July and October, until all tuition payments for each special tuition raffle have been paid.

Section 5

Public Act 11-51 is further amended, as follows:

Sec. 186. Section 12-557b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

As used in this chapter, and in sections 12-579, 12-580, and in chapter 226b, unless the context otherwise requires:

[(a)] (1) "Board" means the Gaming Policy Board established under section 12-557d, as amended by this act;

[(b)] "Executive director" means the executive director of the Division of Special Revenue within the Department of Revenue Services;]

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

[(c)] "Division" means the Division of Special Revenue within the Department of Revenue Services;]

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

[(d)] (4) "Business organization" means a partnership, incorporated or unincorporated association, firm, corporation, trust or other form of business or legal entity, other than a financial institution regulated by a state or federal agency which is not exercising control over an association licensee; and

[(e)] (5) "Control" means the power to exercise authority over or direct the management and policies of a person or business organization.

Sec. 187. Section 12-557c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

[(a) There shall be a Division of Special Revenue within the Department of Revenue Services for administrative purposes only. The Division of Special Revenue shall, in cooperation]

The Department of Consumer Protection, shall work in cooperation with the Gaming Policy Board, to implement and administer the provisions of sections 7-169 to 7-186, inclusive, as amended by this act, this chapter and chapters 226b and 229a. [under the supervision of an executive director.]

[(b) The Division of Special Revenue shall be under the direction and control of an executive director who shall be responsible for the operation of his division. The executive director shall be appointed by the Governor, with the approval of the General Assembly, and shall be qualified and experienced in the functions performed by the Division of Special Revenue. The executive director may appoint a deputy and an executive assistant for the efficient conduct of the business of the division. The deputy executive director shall, in the absence or disqualification of the executive director or on his death, exercise the powers and duties of the executive director until he resumes his duties or the vacancy is filled. The deputy executive director and the executive assistant shall serve at the pleasure of the executive director. The executive director and the deputy executive director shall not participate actively in political management and campaigns. Such activity includes holding office in a political party, political organization or political club, campaigning for a candidate in a partisan election by making speeches, writing on behalf of a candidate, soliciting votes in support of or in opposition to a candidate and making contributions of time and money to political parties.

(c) Whenever the term "Commission on Special Revenue" occurs or is referred to in the public acts of the 1979 session of the General Assembly, it shall be deemed to refer to the Division of Special Revenue within the Department of Business Regulation.]

Sec. 188. Section 12-557d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There shall be a Gaming Policy Board within the [Division of Special Revenue] Department of Consumer Protection. Said board shall consist of five members appointed by the Governor with the advice and consent of both houses of the General Assembly. Not more than three members of said board in office at any one time shall be members of the same political party. [On or before July 1, 1979, the Governor shall nominate three members who shall serve until July 1, 1981, and two members who shall serve until July 1, 1983. The General Assembly shall confirm or reject such nominations

in the manner prescribed by section 4-7 before adjournment sine die of the 1979 regular session, except that if the nominations cannot be acted on by both houses of the General Assembly during said regular session, the General Assembly shall confirm or reject the nominations at a special session which shall be called, notwithstanding sections 2-6 and 2-7, immediately following adjournment sine die of the 1979 session reconvened in accordance with article third of the amendments to the Constitution of Connecticut, except that if no session is held pursuant to said article, the General Assembly shall meet in special session, notwithstanding sections 2-6 and 2-7, not later than August 1, 1979, to confirm or reject such nominations. Any special session called pursuant to this section shall be held for the sole purpose of confirming or rejecting the initial nominations made by the Governor to the board. Thereafter members] Members shall serve for a term of four years and the procedure prescribed by section 4-7 shall apply to such appointments, except that the Governor shall submit such nominations on or before May first, and both houses shall confirm or reject the nominations before adjournment sine die. Members shall receive fifty dollars per day for each day they are engaged in the business of the board and shall be reimbursed for necessary expenses incurred in the performance of their duties. The [executive director] commissioner shall serve on the board ex officio without voting rights.

(b) To insure the highest standard of legalized gambling regulation at least four of the board members shall have training or experience in at least one of the following fields: Corporate finance, economics, law, accounting, law enforcement, computer science or the pari-mutuel industry. At least two of these fields shall be represented on the board at any one time.

(c) No board member shall accept any form of employment by a business organization regulated under this chapter for a period of two years following the termination of his service as a board member.

(d) No board member shall engage in any oral ex parte communications with any representative, agent, officer or employee of any business organization regulated under this chapter concerning any matter pending or impending before the board.

(e) The members of the board shall not participate actively in political management and campaigns. Such activity includes holding office in a political party, political organization or political club, campaigning for a candidate in a partisan election by making speeches, writing on behalf of a candidate, soliciting votes in support of or in opposition to a candidate and making contributions of time and money to political parties.

(f) The [Division of Special Revenue] Department of Consumer Protection shall provide staff support for the board.

Sec. 189. Section 12-557e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The Gaming Policy Board shall work in cooperation with the [Division of Special Revenue] Department of Consumer Protection to implement and administer the provisions of this chapter [,] and chapters 226b and 229a and sections 7-169 to 7-186, inclusive, as amended by this act. In carrying out its duties the board shall be responsible for: (1) Approving, suspending or revoking licenses issued under subsection (a) of section 12-574; (2) approving contracts for facilities, goods, components or services necessary to carry out the provisions of section 12-572; (3) setting racing and jai alai meeting dates, except that the board may delegate to [the executive director] designated staff the authority for setting make-up performance dates within the period of a meeting set by the board; (4) imposing fines on licensees under subsection (j) of section 12-574; (5) approving the types of pari-mutuel betting to be permitted; (6) advising the [executive director] commissioner concerning the conduct of off-track betting facilities; (7) assisting the [executive director] commissioner in developing regulations to carry out the provisions of this chapter, chapters 226b and 229a and sections 7-169 to 7-186, inclusive, as amended by this act, and approving such regulations prior to their adoption; and (8) [hearing all appeals taken under subsection (k) of section 7-169, as amended by this act, subsection (h) of section 7-169h, subsection (c) of section 7-181, subsection (j) of section 12-574 and section 12-815a, as amended by this act; and (9)] advising the Governor on state-wide plans and goals for legalized gambling.

Sec. 116. Section 12-559 (as amended by PA 11-61) of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

[Notwithstanding the provisions of section 4-8, the executive director shall, with the advice and consent of the board, appoint unit heads for each of the units created within the division, who shall be exempt from classified service. Each unit head shall be qualified and experienced in the functions to be performed by such unit head. The executive director] The commissioner may employ [division] stewards for thoroughbred racing, [division] judges for harness racing, greyhound racing and jai alai, and [division] veterinarians who shall be exempt from classified service, and may employ, subject to the provisions of chapter 67, such [clerks, stenographers, inspectors, agents and] other employees [,] as may be necessary to carry out the provisions of this chapter. The [executive director] commissioner shall require such persons to submit to state and national criminal history records checks before being employed. The criminal history records checks required pursuant to this section shall be conducted in accordance with section 29-17a. All persons employed pursuant to this section, with the exception of any steward, judge or veterinarian, shall be residents of the state at the time of and during the full term of their employment.

Sec. 117. Section 12-561 (as amended by PA 11-61) of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

No [executive director] commissioner or unit head or employee of the [division or member or employee] department or member of the Gaming Policy Board shall directly or indirectly, individually or as a member of a partnership or as a shareholder of a corporation, have any interest whatsoever in dealing in any lottery, racing, fronton or betting enterprise or in the ownership or leasing of any property or premises used by or for any lottery, racing, fronton or betting enterprise. No [executive director] commissioner, unit head or member of the Gaming Policy Board shall, directly or indirectly, wager at any off-track betting facility, race track or fronton authorized under this chapter or purchase lottery tickets issued under this chapter. [No employee of the division or the board shall, directly or indirectly, purchase lottery tickets issued under this chapter. The executive director] The commissioner may, by regulation adopted [with the advice and consent of] in consultation with the board, prohibit any employee of the [division] department from engaging, directly or indirectly, in any [other] form of legalized gambling activity in which such employee is involved because of his employment with the [division] department. For purposes of this section, "unit head" means a managerial employee with direct oversight of a legalized gambling activity.

Sec. 190. Section 12-562 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Except as provided in subsection (b) of this section, the [executive director] commissioner shall have power to enforce the provisions of this chapter and chapter 226b, and [with the advice and consent of] in consultation with the board, shall adopt all necessary regulations for that purpose and for carrying out, enforcing and preventing violation of any of the provisions of this chapter, for the inspection of licensed premises or enterprises, for insuring proper, safe and orderly conduct of licensed premises or enterprises and for protecting the public against fraud or overcharge. The [executive director] commissioner shall have power generally to do whatever is reasonably necessary for the carrying out of the intent of this chapter; and may call upon other administrative departments of the state government and of municipal governments for such information and assistance as he or she deems necessary to the performance of his or her duties.

(b) The special policemen in the [Division of Special Revenue] Department of Consumer Protection and the legalized gambling investigative unit in the Division of State Police within the Department of Public Safety shall be responsible for the criminal

enforcement of the provisions of sections 7-169 to 7-186, inclusive, as amended by this act, this chapter and chapters 226b and 229a. They shall have the powers and duties specified in section 29-7c, as amended by this act.

Sec. 12-564. Annual reports. Studies. (a) The executive director shall make an annual report in writing to the Governor as provided in section 4-60 and shall make such additional reports as the Governor may from time to time reasonably request. The annual report shall include a statement of the receipts and disbursements of the division, a statement of the costs of administering the division, a summary of its activities, and any additional information and recommendations which the executive director may deem of value or which the Governor may request.

(b) The executive director shall, [with the advice and consent of] in consultation with the board, conduct studies concerning the effect of legalized gambling on the citizens of this state including, but not limited to, studies to determine the types of gambling activity engaged in by the public and the desirability of expanding, maintaining or reducing the amount of legalized gambling permitted in this state. Such studies shall be conducted as often as the executive director deems necessary, except that no studies shall be conducted before the fiscal year ending June 30, 2009, and thereafter studies shall be conducted at least once every ten years. The joint standing committees of the General Assembly having cognizance of matters relating to legalized gambling shall each receive a report concerning each study carried out, stating the findings of the study and the costs of conducting the study.

Repealed by PA 11-233 [Sec. 12-567. Organizational units. Notwithstanding the provisions of section 4-8 the executive director, with the advice and consent of the board, shall establish within the division such organizational units as he deems necessary for the effective operation of the division. Such units shall be responsible for the following functions: Division administration, licensing and integrity assurance, planning and research, gambling regulation, and state off-track betting and state lottery regulation. Each unit shall be under the direction of a unit head who shall administer and coordinate the operation of his respective unit. The division shall maintain full and complete records of the operation of each unit which shall be open to the public as provided in section 1-210. The executive director shall establish procedures for record keeping.]

Sec. 191. Section 12-569 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) If the president of the Connecticut Lottery Corporation determines that any lottery sales agent has breached such agent's fiduciary responsibility to the corporation in that the account of such lottery sales agent with respect to moneys received from the sale of lottery tickets has become delinquent in accordance with regulations adopted as provided in section 12-568a, the president shall notify the [executive director] commissioner of the breach of fiduciary duty and the executive director shall impose a delinquency assessment upon such account equal to ten per cent of the amount due or ten dollars, whichever amount is greater, plus interest at the rate of one and one-half per cent of such amount for each month or fraction of a month from the date such amount is due to the date of payment. [Except as provided in section 12-569b, and

subject] Subject to the provisions of section 12-3a, the [executive director] commissioner may waive all or part of the penalties provided under this subsection when it is proven to the [executive director's] commissioner's satisfaction that the failure to pay such moneys to the state within the time allowed was due to reasonable cause and was not intentional or due to neglect. Any such delinquent lottery sales agent shall be notified of such delinquency assessment and shall be afforded an opportunity to contest the validity and amount of such assessment before the [executive director] commissioner who may conduct such hearing. Upon request of the president of the Connecticut Lottery Corporation, the [executive director] commissioner may prepare and sign a warrant directed to any state marshal, constable or any collection agent employed by the Connecticut Lottery Corporation for distraint upon any property of such delinquent lottery sales agent within the state, whether personal or real property. An itemized bill shall be attached to the warrant certified by the [executive director] commissioner as a true statement of the amount due from such lottery sales agent. Such warrant shall have the same force and effect as an execution issued in accordance with chapter 906. Such warrant shall be levied on any real, personal, tangible or intangible property of such agent and sale made pursuant to such warrant in the same manner and with the same force and effect as a levy and sale pursuant to an execution.

(b) The [executive director] commissioner, [with the advice and consent of] in consultation with the board, shall adopt regulations in accordance with chapter 54 to carry out the purposes of this section.

Repealed by PA 11-233 [Sec. 12-569b. Settlement initiative program for delinquent lottery sales agents. (a) Notwithstanding the provisions of section 12-3a, the executive director of the Division of Special Revenue shall establish a settlement initiative program for any lottery sales agent who owes moneys received from the sale of lottery tickets, provided a delinquency assessment has been imposed prior to October 1, 2010, against such agent by the executive director in accordance with section 12-569. The executive director shall send written notification not later than November 1, 2010, to all eligible lottery sales agents of their eligibility to participate in the program. The settlement initiative program shall be conducted during the period of October 1, 2010, to December 31, 2010, inclusive.

(b) An eligible lottery sales agent shall have sixty days from the date of such agent's receipt of written notification in accordance with subsection (a) of this section to pay in full the amount owed, minus fifty per cent of the interest owed. In making such payment, the lottery sales agent shall waive all of such agent's administrative and judicial rights of appeal that have not run or otherwise expired as of the date payment is made. No payment made by an eligible lottery sales agent under the program shall be refunded or credited to such eligible lottery sales agent.

(c) If an eligible lottery sales agent, who has received written notification in accordance with subsection (a) of this section, fails to make a payment in accordance with subsection (b) of this section within sixty days, such eligible lottery sales agent shall no longer be eligible to participate in the settlement initiative program. The executive director shall retain any payments made and apply such payments against any moneys owed by such eligible lottery sales agent.

(d) The executive director shall deposit all moneys collected from the settlement initiative program into the General Fund.

(e) Nothing in this section shall entitle any eligible lottery sales agent to a refund or credit of any amount paid to the Division of Special Revenue prior to the executive director's written notification in accordance with subsection (a) of this section.

(f) Notwithstanding any provision of the general statutes, the executive director may do all things necessary in order to provide for the timely implementation of this section.]

Sec. 12-571. Sale of off-track betting systems. Regulation of off-track betting systems. (a)

The executive director of the Division of Special Revenue shall enter into negotiations with a person or business organization for the award of a contract of sale of the off-track betting system including, but not limited to, the assets and liabilities of the system and the right to operate the system. Such contract of sale shall authorize the purchaser of the system to establish and conduct a system of off-track betting on races held within or without the state pursuant to the provisions of this chapter. All proceeds derived from such sale shall be deposited as provided in section 39 of public act 93-332*. Until the effective date of transfer of ownership of the off-track betting system, the executive director shall establish and conduct systems of off-track betting on races held within or without the state pursuant to the provisions of this chapter. It is hereby declared that off-track betting on races conducted under the administration or regulatory authority of the division in the manner and subject to the conditions of this chapter shall be lawful notwithstanding the provisions of any other law, general, special or municipal, including any law prohibiting or restricting lotteries, bookmaking or any other kind of gambling, it being the purpose of this chapter to derive from such betting, as authorized by this chapter, a reasonable revenue for the support of state government and to prevent and curb unlawful bookmaking and illegal betting on races.

(b) Until the effective date of transfer of ownership of the off-track betting system, the executive director, [with the advice and consent of] in consultation with the board, shall adopt rules and regulations, consistent with this chapter, establishing and governing the permitted method or methods of operation of the system of off-track betting.

Sec. 12-571a. Eighteen off-track betting branch facilities authorized. Simulcasting of off-track betting race programs or jai alai games. Location of facilities. Report. (a)

The Division of Special Revenue and the Gaming Policy Board shall not operate or authorize the operation of more than eighteen off-track betting branch facilities, except that the division and the board may operate or authorize the operation of any off-track betting facility approved prior to December 31, 1986, by the legislative body of a municipality in accordance with subsection (a) of section 12-572. Any facility approved prior to December 31, 1986, shall be included within the eighteen branch facilities authorized by this subsection.

(b) The eighteen off-track betting branch facilities authorized by subsection (a) of this section

may include fifteen facilities which have screens for the simulcasting of off-track betting race programs or jai alai games and other amenities including, but not limited to, restaurants and concessions, provided, on and after June 21, 2010, the fifteen facilities which have simulcasting shall be located in the town and city of New Haven, the town of Windsor Locks, the town of East Haven, the town and city of Norwalk, the town and city of Hartford, the town and city of New Britain, the town and city of Bristol, the town and city of Torrington, the town and city of Waterbury, the town and city of Milford, the town and city of New London, the town of Manchester, the town of Windham, the town of Putnam and in the town and city of Bridgeport. The location of each such facility and the addition of simulcasting capability to any existing off-track betting facility that did not previously have such capability (1) shall be approved by the executive director [with the consent of] in consultation with the Gaming Policy Board, and (2) shall be subject to the prior approval of the legislative body of the town in which such facility is located or is proposed to be located. The division shall report annually to the joint standing committee of the General Assembly having cognizance of matters relating to legalized gambling on the status of the establishment or improvement of the off-track betting branch facility pursuant to this subsection.

Sec. 12-572. Off-track betting facilities. Deposit of daily receipts. Distribution of sums in pari-mutuel pool. Contract disputes. (a) The executive director, [with the advice and consent of] in consultation with the board, may establish or authorize the establishment of such off-track betting facilities throughout the state for the purpose of receiving moneys wagered on the results of races or jai alai games as he shall deem will serve the convenience of the public and provide maximum economy and efficiency of operation, provided the establishment of such a facility in any municipality for the purpose of receiving moneys on the results of races or jai alai games shall be subject to the approval of the legislative body of such municipality which shall be given only after a public hearing on the same. Until the effective date of transfer of ownership of the off-track betting system, moneys received at such facilities shall be deposited in a betting fund from which daily payments, in such amount as the executive director deems suitable, shall be made. If an operator of an off-track betting facility intends to conduct wagering on dog racing events or jai alai games, such operator (1) shall conduct wagering on dog racing events or jai alai games conducted by any association licensee which offers such racing events or games for off-track betting provided such operator obtains the written consent of such licensee and (2) may conduct wagering on out-of-state dog racing events or jai alai games when no such association licensee is conducting such racing events or games provided such operator has complied with the provisions of subdivision (1) of this subsection. No operator of an off-track betting facility shall conduct wagering on any dog racing event or jai alai game if such racing event or game is conducted within forty miles of such facility unless such operator has obtained the written consent of the licensee conducting such racing event or game.

(b) The executive director, [with the approval of] in consultation with the board, is authorized to contract with any person or business organization to provide such facilities, components, goods or services as may be necessary for the effective operation of an off-track betting system. Compensation for such facilities, components, goods or services shall be deducted from the moneys retained pursuant to subsections (c) and (d) of this section in such amount as the executive director shall determine.

(c) The division or any person or business organization operating an off-track betting system shall distribute all sums deposited in a pari-mutuel pool, to the holders of winning tickets therein, less seventeen per cent of the total deposits of such pool plus the breakage to the dime of the amount so retained, except as provided in subsection (d) of this section.

(d) (1) If the multiple forms of wagering known as daily double, exacta and quinella are permitted by the board, the division or any person or business organization operating the off-track betting system shall distribute all sums deposited in the pari-mutuel pool for any such event to the holders of winning tickets therein, less nineteen per cent of the total deposits in such pool plus the breakage to the dime.

(2) If multiple forms of wagering on three or more animals are permitted by the board, the division or such person or business organization operating an off-track betting system, shall retain twenty-four and one-half per cent of the total sums deposited in the pool for such event, plus the breakage to the dime.

(e) The division or any person or business organization operating an off-track betting system and conducting wagering on racing events or jai alai games held in this state and licensed under the provisions of this chapter shall distribute all sums deposited in a pari-mutuel pool to the holders of winning tickets therein, less the same percentage of the total deposits of such pool applicable to such racing events or jai alai games plus the breakage to the dime of the amount retained by each licensee conducting the racing events or jai alai games.

(f) Any person or business organization which has entered into a contract with the state, acting through the executive director under the provisions of subsection (b) of this section, except a contract with an individual for personal services, may, in the event of any disputed claims under such contract, bring an action against the state to the superior court for the judicial district of Hartford for the purpose of having such claims determined, provided notice of the general nature of such claims shall have been given in writing to the division not later than one year after the termination of such contract. No action shall be brought under this section later than three years from the date of termination of the contract. Such action shall be tried to the court without a jury. Damages recoverable in such action shall not include any amount attributable to anticipated profits but shall be limited to the recovery of actual damages sustained arising out of such contract. All legal defenses except governmental immunity shall be reserved to the state.

(g) The division or any person or business organization operating an off-track betting system, with the approval of the board, may combine wagers placed within such off-track betting system with similar wagering pools at the facility where a racing program is being conducted, regardless of whether such facility is located within or without the state. Such pari-mutuel wagers shall be combined in such form and manner as the executive director may determine to be in the best interests of the off-track betting system established pursuant to the provisions of section 12-571. Notwithstanding the provisions of subsection (c) or (d) of this section to the contrary, the division or any person or business organization operating an off-track betting system and conducting wagering on racing events held without this state, with the approval of the board, may distribute to the holders of winning tickets who have placed wagers in said combined pools

such sums as may be deposited in said combined pari-mutuel pools, less the same percentage of the total deposits of such combined pools as is established at the facility where such racing program is conducted plus the breakage to the dime, as shall be determined by the executive director [with the approval of] in consultation with the board.

Sec. 12-574. Licensing. (a) **Association licensees.** No person or business organization may conduct a meeting at which racing or the exhibition of jai alai is permitted for any stake, purse or reward or operate the off-track betting system unless such person or business organization is licensed as an association licensee by the board or Commissioner. Any such licensee authorized to conduct a meeting or operate the off-track betting system shall indemnify and save harmless the state of Connecticut against any and all actions, claims, and demands of whatever kind or nature which the state may sustain or incur by reason or in consequence of issuing such license.

(b) **Affiliate licensees licensed by board.** No business organization, other than a shareholder in a publicly traded corporation, may exercise control in or over an association licensee unless such business organization is licensed as an affiliate licensee by the board or Commissioner as provided in subdivision (1) of subsection (h) of this section.

(c) **Concessionaire licensees.** No person or business organization may operate any concession at any meeting at which racing or the exhibition of jai alai is permitted or any concession which is allied to an off-track betting facility unless such person or business organization is licensed as a concessionaire licensee by the [executive director] Commissioner.

(d) **Vendor licensees.** No person or business organization awarded the primary contract by an association licensee to provide facilities, components, goods or services which are necessary for the operation of the activities authorized by the provisions of section 12-572 may do so unless such person or business organization is licensed as a vendor licensee by the [executive director] Commissioner.

(e) **Totalizator licensees.** No person or business organization may provide totalizator equipment and services to any association licensee for the operation of a pari-mutuel system unless such person or business organization is licensed as a totalizator licensee by the [executive director] Commissioner.

(f) **Affiliate licensees licensed by executive director.** No business organization, other than a shareholder in a publicly traded corporation, may exercise control in or over a concessionaire, vendor or totalizator licensee unless such business organization is licensed as an affiliate licensee by the [executive director] Commissioner.

(g) **Occupational licensees.** No person may participate in this state in any activity permitted under this chapter as an employee of an association, concessionaire, vendor, totalizator or affiliate licensee unless such person is licensed as an occupational licensee by the [executive director] Commissioner. Whether located in or out of this state no officer, director, partner, trustee or owner of a business organization which obtains a license in accordance with this section may continue in such capacity unless such officer, director, partner, trustee or owner is licensed as an occupational licensee by the [executive director] Commissioner. An occupational

license shall also be obtained by any shareholder, key executive, agent or other person connected with any association, concessionaire, vendor, totalizator or affiliate licensee, who in the judgment of the [executive director] Commissioner will exercise control in or over any such licensee. Such person shall apply for a license not later than thirty days after the [executive director] Commissioner requests him, in writing, to do so. The [executive director] Commissioner shall complete his investigation of an applicant for an occupational license and notify such applicant of his decision to approve or deny the application [within one year after its receipt. Such period may be extended by the board upon a showing of good cause by the executive director, after giving the applicant a reasonable opportunity for a hearing before the board].

[h) **Affiliate of association and affiliate of concessionaire licenses.** (1) The board shall issue affiliate of association licenses to qualified business organizations. (2) The executive director shall issue affiliate of concessionaire licenses to qualified business organizations.]

[i) (h) **Information required for licensing. Licensing and regulation of licensees by [executive director] Commissioner.** In determining whether to grant a license the board or the [executive director] Commissioner may require the applicant to submit information as to: Financial standing and credit; moral character; criminal record, if any; previous employment; corporate, partnership or association affiliations; ownership of personal assets; and such other information as it or he deems pertinent to the issuance of such license. The [executive director] Commissioner may reject for good cause an application for a license, and he[, the deputy executive director, the executive assistant, any unit head or any assistant unit head authorized by the executive director] may suspend or revoke for good cause any license issued by him after a hearing held in accordance with chapter 54. In addition, if any affiliate licensee licensed by the [executive director] Commissioner fails to comply with the provisions of this chapter the [executive director] Commissioner, after a hearing held in accordance with chapter 54, may revoke or suspend the license of any one or more of the following related licensees: Concessionaire, vendor or totalizator, and may fine any one or more of said licensees in an amount not to exceed two thousand five hundred dollars. Any licensee whose license is suspended or revoked, or any applicant aggrieved by the action of the [executive director] Commissioner concerning an application for a license may appeal [not later than fifteen days after such decision to the board in accordance with subsection (j) of this section] pursuant to Section 4-183.

[j) (i) **Regulations governing licensee's operation; penalties for failure to comply; hearings and appeals.** The [executive director] Commissioner, [with the advice and consent of] in consultation with the board shall adopt regulations governing the operation of the off-track betting system and facilities, tracks, stables, kennels and frontons, including the regulation of betting in connection therewith, to insure the integrity and security of the conduct of meetings and the broadcast of racing events held pursuant to this chapter. Such regulations shall include provision for the imposition of fines and suspension of licenses for violations thereof. Prior to the adoption of any regulations concerning the treatment of animals at any dog race track, the [executive director] Commissioner shall notify the National Greyhound Association of the contents of such regulations and of its right to request a hearing pursuant to chapter 54. The board or Commissioner shall have the authority to impose a fine of up to seventy-five thousand

dollars for any violation of such regulations by a licensee authorized to conduct a meeting or operate the off-track betting system under this section and a fine of up to five thousand dollars for any violation of such regulations by any other licensee. The [executive director] Commissioner shall have the authority to impose a fine of up to two thousand five hundred dollars for any such violation by any licensee licensed by him and the stewards or judges of a meeting acting in accordance with such regulations shall have the authority to impose a fine of up to five hundred dollars for any such violation by such licensee, and the players' manager of a jai alai exhibition acting in accordance with such regulations shall have the authority to recommend to the judges that a fine should be considered for a player who may have violated such regulations. The board or Commissioner may delegate to the stewards and judges of a meeting the power to suspend the license of any occupational licensee employed in this state by an association licensee for a period not to exceed sixty days for any violation of such regulations. If any license is suspended, such stewards and judges of a meeting shall state the reasons therefor in writing. All fines imposed pursuant to this section shall be paid over to the General Fund upon receipt by the division. Any person or business organization fined or suspended by an authority other than the board or any licensee or applicant for a license aggrieved by a decision of the [executive director] Commissioner under subsection [(i)] (h) shall have a right of appeal [to the board for a hearing]. All hearings[, other than appellate hearings before the board,] shall be conducted pursuant to chapter 54. Any person or business organization aggrieved by a decision [of the board] shall have a right of appeal pursuant to section 4-183.

[(k)] (j) **Preparation and maintenance of books and records.** The [executive director] Commissioner shall have the power to require that the books and records of any licensee, other than an occupational licensee, shall be maintained in any manner which he may deem best, and that any financial or other statements based on such books and records shall be prepared in accordance with generally accepted accounting principles in such form as he shall prescribe. The [executive director] Commissioner or his designee shall also be authorized to visit, to investigate and to place expert accountants and such other persons as he may deem necessary, in the offices, tracks, frontons, off-track betting facilities or places of business of any such licensee, for the purpose of satisfying himself that the division's regulations are strictly complied with.

[(l)] (k) **Removal of employee or official of licensee.** The [executive director] Commissioner may at any time for good cause require the removal of any employee or official employed by any licensee hereunder.

[(m)] (l) **Licensing and regulation of licensees by board.** The board or Commissioner shall have the right to reject any application for a license for good cause and the action of the board or Commissioner as to the license and the meeting dates assigned shall be final, provided any person or business organization aggrieved by the action of the board or Commissioner concerning an application for a license may appeal such decision in accordance with section 4-183. The board or Commissioner shall, as far as practicable, avoid conflicts in the dates assigned for racing or the exhibition of the game of jai alai in the state. Any license granted under the provisions of this chapter is a revocable privilege and no licensee shall be deemed to have acquired any vested rights based on the issuance of such license. Any such license shall be subject to the regulations set forth by the [executive director] Commissioner [with the advice and consent of] in consultation with the board. Any license issued by the board or Commissioner

shall be subject to suspension or revocation for good cause, after giving the licensee a reasonable opportunity for a hearing before the board or Commissioner, at which he shall have the right to be represented by counsel. In addition, if any affiliate licensee licensed by the board or Commissioner fails to comply with the provisions of this chapter the board or Commissioner, after a hearing held in accordance with chapter 54, may revoke or suspend the license of the related association licensee and may fine the related association licensee in an amount not to exceed seventy-five thousand dollars or both. If any license is suspended or revoked the board or Commissioner shall state the reasons for such suspension or revocation and cause an entry of such reasons to be made on the record books of the board or Commissioner. Any licensee aggrieved by the action of the board may appeal therefrom in accordance with section 4-183.

[(n)] (m) Licensing exemptions. The appropriate licensing authority may, on its own motion or upon application, exempt any person or business organization from the licensing requirements of this chapter or some or all of the disclosure requirements of chapter 226b, provided the applicant does not exercise control in or over an integral part of any activity which is authorized under this chapter. The burden of proving that an exemption should be granted rests solely with the applicant. The licensing authority making the determination may limit or condition the terms of an exemption and such determination shall be final.

[(o)] (n) Penalty for aiding meeting without license. Any person aiding or abetting in the operation of an off-track betting system or the conduct of any meeting within this state at which racing or the exhibition of the game of jai alai shall be permitted for any stake, purse or reward, except in accordance with a license duly issued and unsuspended or unrevoked by the board or the [executive director] Commissioner, shall be guilty of a class A misdemeanor.

[(p)] (o) Residency requirement. The majority of the membership of the board of directors of any corporation licensed to operate the off-track betting system or to hold or conduct any meeting within the state of Connecticut at which racing or the exhibition of the game of jai alai shall be permitted for any stake, purse or reward, shall be residents of the state of Connecticut.

[(q)] (p) License application and renewal. Any license granted under this section other than a license issued by the board or Commissioner shall be effective for not more than one year from the date of issuance. Initial application for and renewal of any license shall be in such form and manner as the [executive director] Commissioner shall, by regulation adopted [with the advice and consent of] in consultation with the board, prescribe.

[(r)] (q) Pet adoption program for retired greyhounds. Any person or business organization issued a license to conduct dog racing shall establish a pet adoption program for the proper housing and care of retired greyhounds and shall provide financial support for such program and any facility operated to implement such program.

[(s)] (r) Employment of recipients of public assistance at dog race track. Any person or business organization issued a license to conduct dog racing pursuant to subsection (c) of section 12-574c shall employ persons who, at the time of employment, are recipients of assistance under the state-administered general assistance program, state supplement program, medical assistance program, temporary family assistance program or supplemental nutrition assistance program to

fill not less than twenty per cent of the positions created by the conversion of a jai alai fronton to a dog race track if such persons have been trained for such employment by public or publicly funded agencies in coordination with such licensee.

[(t)](s) Day care facility for use by employees of dog race track. Any person or business organization issued a license to conduct dog racing pursuant to subsection (c) of section 12-574c shall provide an on-site day care facility for use by employees of the dog race track. Such licensee shall employ persons who, at the time of employment, are recipients of aid under chapter 302 or 308 to fill not less than fifty per cent of the positions at such day care facility if such persons have been trained for such employment by public or publicly-funded agencies in coordination with such licensee.

[(u)](t) Dog race track to operate on year-round basis. Number of performances. Notwithstanding any other provisions of this chapter to the contrary, any person or business organization issued a license to conduct dog racing may operate on a year-round basis and may conduct such number of performances as it may elect, provided the total number of such performances does not exceed five hundred and eighty performances in any calendar year.

Sec. 12-578. Regulations governing registration and licenses. Fees. Criminal history records checks of applicants. (a) The executive director, [with the advice and consent of] in consultation with the board, shall adopt regulations governing registration and the issuance and annual renewal of licenses and payment of annual nonrefundable application fees for the same in accordance with the following schedule:

(1) Registration: (A) Stable name, one hundred dollars; (B) partnership name, one hundred dollars; (C) colors, twenty dollars; (D) kennel name, one hundred dollars.

(2) Licenses: (A) Owner, one hundred dollars; (B) trainer, one hundred dollars; (C) assistant trainer, one hundred dollars; (D) jockey, forty dollars; (E) jockey agent, for each jockey, one hundred dollars; (F) stable employees, including exercise boy, groom, stable foreman, hot walker, outrider, twenty dollars; (G) veterinarian, one hundred dollars; (H) jockey apprentice, forty dollars; (I) driver, one hundred dollars; (J) valet, twenty dollars; (K) blacksmith, twenty dollars; (L) plater, twenty dollars; (M) concessionaire, for each concession, two hundred fifty dollars; (N) concessionaire affiliate, for each concession of the concessionaire, two hundred fifty dollars; (O) concession employees, twenty dollars; (P) jai alai players, one hundred dollars; (Q) officials and supervisors, one hundred dollars; (R) pari-mutuel employees, forty dollars; (S) other personnel engaged in activities regulated under this chapter, twenty dollars; (T) vendor, for each contract, two hundred fifty dollars; (U) totalizator, for each contract, two hundred fifty dollars; (V) vendor and totalizator affiliates, for each contract of the vendor or totalizator, two hundred fifty dollars. For the purposes of this subdivision, "concessionaire affiliate" means a business organization, other than a shareholder in a publicly traded corporation, that may exercise control in or over a concessionaire; and "concessionaire" means any individual or business organization granted the right to operate an activity at a dog race track or off-track betting facility for the purpose of making a profit that receives or, in the exercise of reasonable business judgment, can be expected to receive more than twenty-five thousand dollars or twenty-five per cent of its gross annual receipts from such activity at such track or facility.

(b) The [executive director] Commissioner shall require each applicant for a license under subdivision (2) of subsection (a) of this section to submit to state and national criminal history records checks before such license is issued. The criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a.



Agency Legislative Proposal - 2013 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): 2013 AA Making Minor and Technical Changes to DCP Statutes.docx <small>(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)</small>

State Agency: DEPARTMENT OF CONSUMER PROTECTION
Liaison: GARY BERNER Phone: 860-713-6208 E-mail: GARY.BERNER@CT.GOV
Lead agency division requesting this proposal: Various Divisions
Agency Analyst/Drafter of Proposal: GARY BERNER

Title of Proposal An Act Making Minor and Technical Changes to Department of Consumer Protection Statutes
Statutory Reference
Proposal Summary This proposal contains 28 separate sections which make minor and/or technical changes to statutes under the jurisdiction of the Department of Consumer Protection. As will be explained in more detail, below, these changes are being offered to 1)reduce unnecessary paperwork; 2)increase the efficiency of agency work processes; 3) comply with federal rules; 4) conform to customary practices; and 5) remove and/or update antiquated provisions.
<i>Please attach a copy of fully drafted bill (required for review)</i>

PROPOSAL BACKGROUND

• Reason for Proposal

<p><i>Please consider the following, if applicable:</i></p> <ol style="list-style-type: none"> (1) <i>Have there been changes in federal/state/local laws and regulations that make this legislation necessary?</i> (2) <i>Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?</i> (3) <i>Have certain constituencies called for this action?</i> (4) <i>What would happen if this was not enacted in law this session?</i> <p>Sections 1-6 of this proposal are offered primarily as cost savings measures by eliminating the requirement to publish brochures and reports when alternatives are readily available. Section 1 makes it permissible to satisfy the requirements of Section 30-7 by having the agency's Liquor Control regulations posted on the agency's website, as we currently do. Similarly, Section 2 makes it permissible to comply with the requirements of the printing of pamphlets for DCP's Gaming Division by posting our regulations on-line. Section 3 allows for the posting of minutes and a roster of licensees on-line, rather by paper publication. Section 4 allows for the posting of a roster of registered Interior Designers on the Department's website, rather than in writing. Section 5 allows for the posting of a roster of well drillers on the Department's website, rather than in writing. Section 6 eliminates the requirement for a written report of the testing done in DCP's weights & measures division, replacing it with a requirement that we maintain</p>
--



those records and make them available for inspection.

Section 6 makes an additional change: It makes a minor change within our Weights & Measures statutes that closes a loophole making it consistent with the original intent of the law, in our opinion. Under current law DCP is statutorily required to calibrate dealers testing equipment every other year and may not charge of fee for this service. We are aware that this requirement has allowed numerous out of state businesses to impose this burden on the Department. We propose a change to in Sec. 43-3 to keep the service free for Connecticut residents and businesses within an office in Connecticut. We believe this is fair, and that the effect will be that out of state businesses will simply pay for the service in their own state. Consequently, we do not expect this change to raise significant revenue, but rather, significantly reduce the workload to DCP's weights & measures laboratory.

Sections 7 & 8 of this proposal make changes to DCP's Gaming Division statutes. Section 7 eliminates the requirement that a monthly report be prepared and sent to the office of the State Treasurer. The Director of the Cash Management Division states that this is not needed as the information is readily available to them via CORE-CT. Section 8 makes a minor change in Section 7-173, pertaining to individuals applying to operate a bazaar or raffle. This minor change removes unnecessary and overly restrictive requirements that applicants be "electors of the municipality" and replaces with a more reasonable, "residents of the state."

Section 9 makes a minor change in DCP's public charities section, by extending the time charities must renew their registration with the Department after their fiscal year from five months to eleven months; while removing the provision that grants the Commissioner discretion to extend the requirement to register by 6 months. The net effect is that all charities would be granted the full time limit (11 months) to renew. This change will lead to much relief by the charitable community, and a decrease in unnecessary resource deployment in the Department.

Section 10 makes a minor and conforming change to our customary practice within DCP's Real Estate licensing Division. This change simply recognizes the correct effective dates of license renewals for Real Estate Brokers and Real Estate Salespeople.

Section 11 similarly makes a minor and conforming change regarding late license renewals of New Home Construction Contractors. It clarifies that a late renewal will be valid for the normal full two year period.

Section 12 makes a minor and technical change within the Home Improvement Guaranty statute. It clarifies that contractors' rights to a hearing before the Commissioner are not forfeited while making payments in accordance with a court judgment.

Section 13 makes a minor change in DCP's statutes pertaining to "Buying Clubs." This change would extend consumer protection to "services" offered by a company to consumers, in addition to the "goods" as currently written. This change is needed to clarify that companies engaged in selling travel services are to be covered by the existing requirements set forth in Sec. 42-310. The Department feels strongly that this minor change will provide much needed consumer protection in today's marketplace.

Section 14 makes minor changes within the Home Improvement Contractor statute. These changes are needed to clarify that the existing penalties encompassed within the law are able to be enforced by the Department. A minor change within the definition section of the Act is offered here to include "the solicitation of work" by the illegal contractor and also to remove the word "cash" from the price charged by the contractor. These changes will lead to an improvement in our ability to keep the public safe from illegal and fly-by-night contractors.

Section 15 makes a minor change within the Real Estate Appraisal statute. This change is made to comply with recent federal requirements that real estate appraisal instructors be made subject to approval. This change will allow DCP to amend our regulations to conform to new federal requirements.

Section 16 makes a minor conforming change in the elevator license section. The current language states that those eligible for an elevator craftsman's license may include someone with at least two years experience in the field. However, the DOL apprenticeship program specifies a four year experience period, making current language obsolete



and conflicting with current requirements. This proposal simply makes the minor change to conform to the appropriate requirements.

Section 17 makes a minor change which would enable to the Department or licensing board to reinstate a license which a licensee has failed to renew in a timely manner. Under present law, any license holder under CGS chapter 393 who fails to renew their license within one year of expiration shall be required to retake their licensing examination if they wish to reinstate their license. This proposal increases that limit to two years, which we believe to be fairer to the tradesperson who through human error or due to circumstances beyond their control have failed to renew their license. Allowing reinstatement within two years will assist the boards, the Department and license-holders in streamlining the reinstatement process.

Section 18 makes the same changes proposed in Section 17 applicable to license types contained in CGS chapter 394.

Section 19 amends the Shorthand Reporter chapter to clarify that license holders may reinstate a lapsed license within two years from the time they let their license lapse. Further, it provides for a system in which those applicants whose license has lapsed for more than two years may apply to the licensing board for reinstatement at the board's discretion. It makes clear that if the board approves reinstatement, that the applicant must pay all applicable license and late fees.

Section 20 makes changes similar to those in Section 19 in Chapter 416. This change would be applicable to all license types under the jurisdiction of the Department, allowing for license holders whose license has lapsed for more than two years to apply to the appropriate board for consideration of reinstatement. Each board would have the discretion to approve the reinstatement. It further makes clear that should the board approve reinstatement, that the applicant must pay all applicable license and late fees.

Section 21 removes an obsolete and unused provision that allowed for a temporary permit within the Radio & Television licensing chapter.

Section 22 makes a minor change regarding the amount of fine the Department may charge an applicant for "bounced check" costs. Under current statute a fixed fee of \$20 may be charged in such cases, however, presently banks are charging DCP more than \$20 and therefore the Department is losing money and unable to even recoup the amount banks impose on the Department. This change would enable the Department to charge an applicant in such cases a fine amount commensurate with the cost imposed on the Department by the bank.

Section 23 makes a conforming technical change in CGS Sec. 21-33b. Specifically, PA 09-3 (June Special Session) increased certain fees and in CGS Sec. 21-28 increased from one hundred to two hundred dollars annually the amount an applicant must pay into the Itinerant Vendor Guaranty Fund. However, a corresponding change was not made at that time to the Guaranty Fund section (CGS 21-33b). This proposed change simply conforms the two sections at the two hundred dollar amount. Consequently, there is no revenue change to this purely technical fix.

Section 24 provides for additional consumer protections within the Dating Services chapter. This minor language change would ensure that consumers who have entered into a contract to purchase a "social referral service" shall have the right to cancel within 3 days from the time the service has been made available for their use. This minor change is offered by the Department in response to consumer complaints; specifically under present law, the right for the consumer to cancel is offered within 3 days of receipt of the written contract by the company only. This change ensures that the clock doesn't start ticking until they are able to actual use the product for 3 days.

Section 25 makes one minor/technical change within the Home Improvement Guaranty fund statute. This change simply replaces a reference to "real property" with "personal property" of a home improvement contractor when a judgment has been obtained against said contractor by a consumer. This technical change conforms with the department's practice in processing applications to the fund by consumers harmed by actions of registered home improvement contractors.

Section 26 makes a clarifying change in the definitions within the Home Improvement Contractors chapter. Specifically, Sec. 20-419 is changed to add "condominium associations" as agents under the definition of "owner." It



The Treasurer's office stated that they have no need for the report from our Gaming Division proscribed in Section 7 and encourage DCP to remove the statutory requirement.

The Attorney General's office recommends that we make the change in Section 14 to close a loophole to clarify that the state may prosecute unlicensed home improvement contractors attempting to engage in work.

Will there need to be further negotiation? ___ YES ___xx___NO

• **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

State

Section 6 may have a very minor fiscal impact (revenue increase) to the Department due to the new ability to charge out of state businesses for this service. However, the change is expected to result in out of state business ending the practice of having their equipment tested by DCP, therefore, very little revenue increase is anticipated.

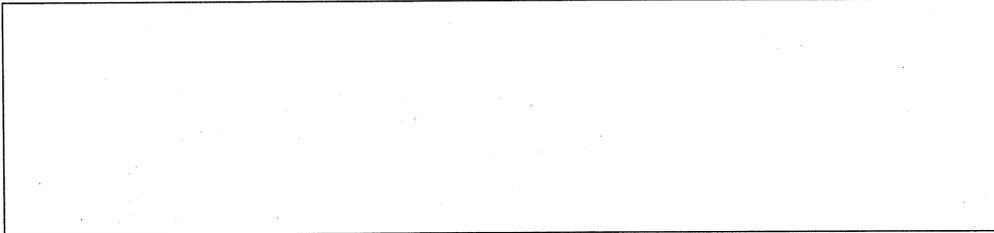
Section 22 may result in a minor revenue increase as it will allow DCP to charge applicants that have bounced checks to the Department to be charged a penalty in line with the penalties banks charge DCP rather than just the \$20 statutory limit.

Section 28 will modestly increase the number of wholesale registrations issued by DCP. This will result in a minor revenue gain.

Federal

Additional notes on fiscal impact

• **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



Insert fully drafted bill here

AN ACT MAKING 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. Section 30-7 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

Every regulation made by the Department of Consumer Protection under the authority of this chapter shall be furnished to each permittee upon request. The department shall biennially, on or before July first in the odd-numbered years, publish in convenient pamphlet form all regulations then in force and shall furnish upon request copies of such pamphlets to every permittee authorized under the provisions of this chapter to manufacture or sell alcoholic liquor and to such other persons as desire such pamphlets. The posting of such regulations on the department's Internet web site shall constitute compliance with the requirements of this section.

Formatted: Underline

Sec. 2. Section 12-563 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

All regulations of the department shall be adopted in the manner provided in chapter 54. The commissioner shall, at least annually, on or before December thirty-first of each year, publish in convenient pamphlet form all regulations then in force and shall furnish copies of such pamphlets to such persons who desire such pamphlets. The posting of such regulations on the department's Internet web site shall constitute compliance with the requirements of this section.

Formatted: Underline

Sec. 3. Subsection (a) of section 20-332 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) Each examining board established under section 20-331 shall have a seal and its members may administer oaths in the performance of their duties. Each board shall keep a record of its proceedings and a complete roster of all persons licensed or registered by it and entitled to practice the occupation within the board's jurisdiction in this state. Each board shall biennially furnish a copy of such roster to each town clerk and shall notify such clerk of any deletions from such roster within five days of such deletion. The posting of such roster and deletions on the Department of Consumer Protection's Internet web site shall constitute compliance with the requirements of this section.

Formatted: Underline

Sec. 4. Section 20-377p of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):



A certificate of registration as an interior designer shall be evidence that the person named in the certificate is entitled to the rights and privileges of a registered interior designer while such certificate remains in effect. The commissioner shall keep a roster of the names and addresses of all registered interior designers, all architects licensed in accordance with the provisions of chapter 390 and of such other information as the commissioner may by regulation require. Annually, during the month of September, the commissioner shall place such roster on file with the Secretary of the State and with the building department and library of each town. The commissioner shall maintain an index and record of each certificate of registration. A certificate shall remain in effect until revoked or suspended as provided in section 20-377s. The posting of such roster on the Department of Consumer Protection's Internet web site shall constitute compliance with the requirements of this section.

Formatted: Underline

Sec. 5. Subsection (f) of section 25-129 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(f) The department shall prepare a roster of all registered well drillers and distribute it annually to the local director of health or his agent and the building inspector, if there is one, of each town. The posting of such roster on the Department of Consumer Protection's Internet web site shall constitute compliance with the requirements of this section.

Formatted: Underline

Sec. 6. Subsection (a) of section 43-3 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) The Commissioner of Consumer Protection shall be state Commissioner of Weights and Measures. The commissioner may appoint inspectors of weights and measures, with all the powers incident to that office, when directed so to act by the commissioner. Said commissioner shall take charge of the standards adopted, under the provisions of section 43-2, as the standards of the state, and cause them to be kept in a fire-proof building belonging to the state, or in a suitable place in his office, from which they shall not be removed except for repairs or for certification, and he shall take all other necessary precautions for their safekeeping. He shall maintain the state standards in good order and shall provide for their certification as prescribed by the National Institute of Standards and Technology at least once in ten years. He shall, at least once in two years, test by the state standards all standard weights, measures and other apparatus which belong to any municipality and shall seal such apparatus as is found to be accurate, by stamping thereon, with seals kept for that purpose, the letter "C" and the last two figures of the year of certification. He shall have general supervision of the weights, measures and weighing and measuring devices sold, offered for sale or used in the state. He, or the inspectors by his direction, shall, at least once in each year, test all scales, weights and measures used in checking the receipt or disbursement of supplies in each institution for the maintenance of which moneys are appropriated by the General Assembly, and he shall [report, in writing,] maintain a record of his findings and make such record available to the supervisory board and to the executive officer of the institution concerned, and, at the request of such board or executive officer, he shall appoint, in writing, one or more employees, in the service of each institution, who shall act as special deputies for the purpose of checking the receipt or disbursement of supplies. He shall keep a complete record of the standards, balances and other apparatus belonging to the state, and take a receipt for the same from his successor in office. He, or the inspectors at his direction, shall, at least once in two years, inspect the work of the local sealers throughout the state and shall have power to inspect and ascertain the correctness of all weights, scales, beams, measures, instruments or mechanical devices for measuring, and tools, appliances or accessories connected with any such instruments or measures kept, offered or exposed for sale, sold, used or employed by any proprietor, agent, lessee or employee in proving the size, quantity, extent, area or measurement of quantities, things, produce or articles for distribution or consumption, offered or submitted by such person or persons for sale, hire or reward; and shall, from time to time, weigh or measure packages or amounts of commodities of any kind kept for the purpose of sale, offered for sale or sold, or in the process of delivery, in order to determine

Formatted: Underline

Formatted: Underline



whether the same contain the amounts represented, and whether they are offered for sale or sold in accordance with law. They may, in the performance of their official duties, enter, without warrant, into or upon any stand, place, building or other premises, or stop any vendor, peddler, junk dealer or driver of any vehicle transporting or containing coal, coke, ice or other commodity, or any dealer, and require him to proceed to some place which they may specify, for the purpose of making tests. Said commissioner or the inspectors may seal any such weighing or measuring instrument or apparatus which is found to be correct and may seize and destroy any incorrect weight, measure or weighing or measuring instrument. The commissioner shall issue, from time to time, regulations prescribing specifications and tolerances for commercial weights and measures and weighing and measuring devices and regulations for the guidance of municipal sealers, which regulations shall govern the procedure to be followed by such officers in the discharge of their duties. The commissioner may by regulation exempt specific duties and restrict specific powers of the municipal sealers appointed under the provisions of section 43-6 thereby reserving exclusively to the commissioner within the municipality the duties exempted and powers restricted. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, prescribing fees to be charged for any calibration services performed by the Department of Consumer Protection, provided no fee shall be charged for services provided in accordance with the provisions of section 43-50 for those registrants residing in and having a business location in this state. Whenever any municipality required by section 43-6 to appoint a sealer of weights and measures fails to do so or when a municipal sealer appointed under the provisions of said section fails or neglects to perform his duties, the Commissioner of Weights and Measures may direct his inspectors to perform such duties and the clerk or comptroller of such municipality shall, upon notification and request by the Commissioner of Weights and Measures, reimburse the state for the cost of such services rendered.

Formatted: Underline

Sec. 7. Subsections (l) and (m) of section 12-575 of the general statutes are repealed and the following is substituted in lieu thereof (Effective from passage):

[(l)] The commissioner shall, on or before the tenth day of each month, prepare and file with the Treasurer a full and complete statement of the department's receipts from all sources and shall turn over to the Treasurer all moneys in the department's possession.]

[(m)] [(l)] (1) The commissioner shall pay each municipality in which a horse race track is located, one-quarter of one per cent of the total money wagered on horse racing events at such race track, except the commissioner shall pay each such municipality having a population in excess of fifty thousand one per cent of the total money wagered at such horse racing events in such municipality. The commissioner shall pay each municipality in which a jai alai fronton or dog race track is located one-half of one per cent of the total money wagered on jai alai games or dog racing events at such fronton or dog race track, except the commissioner shall pay each such municipality having a population in excess of fifty thousand one per cent of the total money wagered on jai alai games or dog racing events at such fronton or dog race track located in such municipality. The commissioner shall pay each municipality in which an off-track betting facility is located one and three-fifths per cent of the total money wagered in such facility less amounts paid as refunds or for cancellations. The commissioner shall pay to both the city of New Haven and the town of Windsor Locks an additional one-half of one per cent of the total money wagered less any amount paid as a refund or a cancellation in any facility equipped with screens for simulcasting after October 1, 1997, located within a fifteen-mile radius of facilities in New Haven and Windsor Locks. Payment shall be made not less than four times a year and not more than twelve times a year as determined by the commissioner, and shall be made from the tax imposed pursuant to subsection (d) of this section for horse racing, subsection (e) of this section for dog racing, subsection (f) of this section for jai alai games and subsection (g) of this section for off-track betting. (2) If, for any calendar year after the surrender of a license to conduct jai alai events by any person or business organization pursuant to subsection (c) of section 12-574c and prior to the opening of any dog race track by such person or business organization, any other person or business organization licensed to conduct jai alai events is authorized to conduct a number of performances greater than the number authorized for such licensee in the previous calendar year, the commissioner shall pay the municipality in which the jai alai fronton for which such



license was surrendered was located, rather than the municipality in which the jai alai fronton conducting the increased performances is located, one-half of one per cent of the total money wagered on jai alai games for such increased performances at the fronton which conducted the additional performances, except the commissioner shall pay each such municipality having a population in excess of fifty thousand one per cent of the total money wagered on jai alai games for such increased performances at such fronton. (3) During any state fiscal year ending on or after June 30, 1993, the commissioner shall pay each municipality in which a dog race track was operating prior to July 5, 1991, one per cent of the total money wagered on dog racing events at such dog race track. (4) During the state fiscal year ending June 30, 2001, each municipality in which a dog race track was operating prior to July 5, 1991, shall pay the Northeast Connecticut Economic Alliance, Inc. two-tenths of one per cent of the total money wagered on dog racing events at any dog race track operating prior to July 5, 1991. (5) In the event a licensee incurs a loss from the operation of a pari-mutuel facility, as determined by the commissioner, the legislative body of the city or town in which such facility is located may direct the commissioner to credit or rebate all or a part of the revenue otherwise due to the municipality back to the facility. In no case shall such credit and such reimbursement exceed the amount of the licensee's loss, and in no fiscal year shall these provisions affect the total fees paid to the state by the authorized operator of the off-track betting system on its off-track betting activities.

Sec. 8. Section 7-173 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

Any organization desiring to operate a bazaar or raffle in a municipality which has adopted the provisions of sections 7-170 to 7-186, inclusive, shall make application in duplicate, duly executed and verified, to the chief of police of any municipality having a police department or to the chief executive officer of any town in which there is no police department, on a form to be prescribed by the Commissioner of Consumer Protection, in which shall be stated (a) the name and address of the applicant; (b) facts relating to its incorporation or organization; (c) the names, titles and addresses of its officers; (d) the kind of bazaar or raffle intended to be held, operated and conducted by the applicant; (e) the place where such bazaar or raffle is intended to be conducted by the applicant under the permit applied for; (f) the date or dates and the time or times when such bazaar or raffle is intended to be conducted by the applicant under the permit applied for; (g) in the case of a raffle, the number and price of tickets intended to be sold; (h) the items of expense intended to be incurred or paid in connection with the holding, operating and conducting of such bazaar or raffle and the names and addresses of the persons to whom, and the purposes for which, they are to be paid; (i) the items of merchandise offered, the price to be paid by the organization therefor or the retail value of any prize donated, and the names and addresses of the persons from whom purchased or by whom donated; (j) the specific purposes to which the entire net proceeds of such bazaar or raffle are to be devoted and in what manner; and (k) any other information which the commissioner reasonably requires for the protection of the public. In each application there shall be designated three active members of the applicant under whom the bazaar or raffle described in the application is to be held, operated and conducted and to the application shall be appended a statement signed, under penalty of false statement, by such members so designated that they are [electors of the municipality in which the permit is sought] residents of the state and will be responsible for the holding, operation and conduct of such bazaar or raffle in accordance with the terms of the permit and the provisions of said sections, and that the statements contained in the application are, to the best of their knowledge and belief, true. Such chief of police or chief executive officer, as the case may be, shall, at least five business days prior to the date of such bazaar or raffle, forward the original copy of such application to said commissioner who shall review such application to determine whether the applicant is qualified to hold, operate and conduct a bazaar or raffle under the provisions of sections 7-170 to 7-186, inclusive, or any regulations adopted pursuant thereto, and whether other requirements in said statutes and regulations have been satisfied. For the purposes of applying for a "Class No. 7" permit, authorized pursuant to section 7-175, the application required pursuant to this section shall be made to the Commissioner of Consumer Protection.

Formatted: Underline



Sec. 9. Section 21a-190b of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) Every charitable organization not exempted by section 21a-190d shall annually register with the department prior to conducting any solicitation or prior to having any solicitation conducted on its behalf by others. Application for registration shall be in a form prescribed by the commissioner and shall include payment of a fee of fifty dollars. Such application shall include: (1) A registration statement, (2) an annual financial report for such organization for the preceding fiscal year that is prepared in accordance with the provisions of subsection (a) of section 21a-190c, and (3) an audited financial statement as required by subsection (b) of said section 21a-190c. Two authorized officers of the organization shall sign the registration statement and shall certify that the statements therein are true and correct to the best of their knowledge. A chapter, branch or affiliate in this state of a registered parent organization shall not be required to register provided the parent organization files a consolidated annual registration for itself and its chapter, branch or affiliate. Each charitable organization shall annually renew its registration not later than five eleven months after the end of such organization's fiscal year.

Formatted: Underline

(b) In the event the department determines that the application for registration does not contain the documents required in subsection (a) of this section or is not in accordance with the regulations adopted by the commissioner pursuant to this chapter, the department shall notify the charitable organization of such noncompliance not later than ten days after the department's receipt of such application for registration. An application for registration shall be deemed to be approved if the charitable organization is not notified of noncompliance by the department not later than ten days after the department's receipt of the application for registration. Any such charitable organization may request a hearing on its noncompliant status not later than seven days after receipt of such noncompliance notice. Such hearing shall be held not later than seven days after the department's receipt of such request and a determination as to the organization's compliance status shall be rendered no later than three days after such hearing.

(c) In addition to the application fee required pursuant to subsection (a) of this section, a charitable organization shall pay a late fee of twenty-five dollars for each month, or part thereof, that such application for registration is late. [, except that such late fee shall not include any month during which an extension of time was granted pursuant to subsection (d) of this section.] The commissioner may, upon written request and for good cause shown, waive or reduce any late fee under this section.

[(d) The commissioner may, for good cause shown, grant an extension of time, not to exceed six months from the date the report was due, for the filing of a charitable organization's annual financial report. Any previous registration shall remain in effect during any such extension period.]

[(e)] (d) In the event that a charitable organization fails to register in accordance with the provisions of this section, such organization shall include in its application for registration an annual financial report for each of the previous years in which such organization was required to file an application for registration or an annual financial report.

Formatted: Underline

[(f)] (e) Any charitable organization registered in accordance with this section on September 30, 2005, shall be deemed to be registered pursuant to this section until the last day of the fifth month after the close of the fiscal year in effect on September 30, 2005.

Formatted: Underline

Sec. 10. Subsection (f) of section 20-314 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(f) All licenses issued under the provisions of this chapter shall expire annually. At the time of application for a real estate broker's license, there shall be paid to the commission, for each individual applicant and for each proposed



active member or officer of a firm, partnership, association or corporation, the sum of five hundred sixty-five dollars, and for the annual renewal thereof, the sum of three hundred seventy-five dollars and for a real estate salesperson's license two hundred eighty-five dollars and for the annual renewal thereof the sum of two hundred eighty-five dollars. Three dollars of each such annual renewal fee shall be payable to the Real Estate Guaranty Fund established pursuant to section 20-324a. If a license is not issued, the fee shall be returned. A real estate broker's license issued to any partnership, association or corporation shall entitle the individual designated in the application, as provided in section 20-312, upon compliance with the terms of this chapter, but without the payment of any further fee, to perform all of the acts of a real estate broker under this chapter on behalf of such partnership, association or corporation. Any license which expires and is not renewed pursuant to this subsection may be reinstated by the commission, if, not later than two years after the date of expiration, the former licensee pays to the commission for each real estate broker's license the sum of three hundred seventy-five dollars and for each real estate salesperson's license the sum of two hundred eighty-five dollars for each year or fraction thereof from the date of expiration of the previous license to the date of payment for reinstatement, except that any licensee whose license expired after such licensee entered military service shall be reinstated without payment of any fee if an application for reinstatement is filed with the commission within two years after the date of expiration. Any such reinstated license shall expire on the next succeeding April thirtieth March thirty-first for real estate brokers or the next succeeding May thirty-first for real estate salespersons.

Formatted: Underline

Sec. 11. Subsection (e) of section 20-417b of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(e) [A certificate shall not be restored unless it is renewed not later than one year after its expiration.] All certificates issued under the provisions of this chapter shall expire biennially. The fee for renewal of a certificate shall be the same as the fee charged for the original application.

Formatted: Underline

Sec. 12. Subsection (g) of section 20-432 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(g) Before the commissioner shall issue any order directing payment out of the guaranty fund to an owner pursuant to subsections (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. Such notice shall be given to the contractor within fifteen days of the 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 within fifteen days of receipt of 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 receives no written request by certified mail from the contractor for a hearing within fifteen days of 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 for actual damages and costs taxed by the court against the contractor, exclusive of punitive damages, or for the amount unpaid upon the order of restitution.

Formatted: Underline

Sec. 13. Subsection (a) of section 42-310 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) As used in this section:



(1) "Buying club" means any partnership, corporation, limited liability company, association, trust, or any other legal entity that offers memberships to consumers for a fee whereby such consumers may purchase consumer goods or services from such entity either exclusively from a catalog or whose membership fee is two hundred dollars or greater;

Formatted: Underline

(2) "Consumer" means any person who purchases a consumer good or service other than for resale;

(3) "Consumer [goods], "goods or services" means goods or services purchased or leased primarily for personal, family, leisure, entertainment or household purposes.

Formatted: Underline

Formatted: Underline

Formatted: Underline

Sec. 14. Section 20-419 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

As used in this chapter, unless the context otherwise requires:

(1) "Certificate" means a certificate of registration issued under section 20-422.

(2) "Commissioner" means the Commissioner of Consumer Protection or any person designated by the commissioner to administer and enforce this chapter.

(3) "Contractor" means any person who owns and operates a home improvement business or who undertakes, offers to undertake or agrees to perform any home improvement. "Contractor" does not include a person for whom the total [cash] price of all of his home improvement contracts with all of his customers does not exceed one thousand dollars during any period of twelve consecutive months.

(4) "Home improvement" includes, but is not limited to, the repair, replacement, remodeling, alteration, conversion, modernization, improvement, rehabilitation or sandblasting of, or addition to any land or building or that portion thereof which is used or designed to be used as a private residence, dwelling place or residential rental property, or the construction, replacement, installation or improvement of driveways, swimming pools, porches, garages, roofs, siding, insulation, sunrooms, flooring, patios, landscaping, fences, doors and windows and waterproofing in connection with such land or building or that portion thereof which is used or designed to be used as a private residence, dwelling place or residential rental property or the removal or replacement of a residential underground heating oil storage tank system, in which the total [cash] price for all work agreed upon between the contractor and owner or proposed or offered by the contractor exceeds two hundred dollars. "Home improvement" does not include: (A) The construction of a new home; (B) the sale of goods by a seller who neither arranges to perform nor performs, directly or indirectly, any work or labor in connection with the installation or application of the goods or materials; (C) the sale of goods or services furnished for commercial or business use or for resale, provided commercial or business use does not include use as residential rental property; (D) the sale of appliances, such as stoves, refrigerators, freezers, room air conditioners and others which are designed for and are easily removable from the premises without material alteration thereof; and (E) any work performed without compensation by the owner on his own private residence or residential rental property.

Formatted: Underline

(5) "Home improvement contract" means an agreement between a contractor and an owner for the performance of a home improvement.

(6) "Owner" means a person who owns or resides in a private residence and includes any agent thereof. An owner of a private residence shall not be required to reside in such residence to be deemed an owner under this subdivision.



(7) "Person" means an individual, partnership, limited liability company or corporation.

(8) "Private residence" means a single family dwelling, a multifamily dwelling consisting of not more than six units, or a unit, common element or limited common element in a condominium, as defined in section 47-68a, or in a common interest community, as defined in section 47-202.

(9) "Salesman" means any individual who (A) negotiates or offers to negotiate a home improvement contract with an owner or (B) solicits or otherwise endeavors to procure by any means whatsoever, directly or indirectly, a home improvement contract from an owner on behalf of a contractor.

(10) "Residential rental property" means a single family dwelling, a multifamily dwelling consisting of not more than six units, or a unit, common element or limited common element in a condominium, as defined in section 47-68a, or in a common interest community, as defined in section 47-202, which is not owner-occupied.

(11) "Residential underground heating oil storage tank system" means an underground storage tank system used with or without ancillary components in connection with real property composed of four or less residential units.

(12) "Underground storage tank system" means an underground tank or combination of tanks, with any underground pipes or ancillary equipment or containment systems connected to such tank or tanks, used to contain an accumulation of petroleum, which volume is ten per cent or more beneath the surface of the ground.

Sec. 15. Section 20-512 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

The Commissioner of Consumer Protection, with the advice and assistance of the commission, may adopt such reasonable regulations, in accordance with chapter 54, as the commissioner may deem necessary relating to the approval of schools offering courses in real estate appraisal principles and practice and related subjects, the content of such courses or programs and the advertising to the public of the services of such schools. Such regulations [shall not] may require approval of instructors at such schools.

Formatted: Underline

Sec. 16. Subsection (a) of section 20-334a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) Except as otherwise provided in this section, the following licenses may be issued by the Department of Consumer Protection, upon authorization of the boards, under the provisions of section 20-333:

(1) (A) An unlimited contractor's license may be issued to a person who has served as a journeyman in the trade for which such person seeks a license for not less than two years and, if such service as a journeyman was outside this state, has furnished evidence satisfactory to the appropriate state board that such service is comparable to similar service in this state, or has furnished satisfactory evidence of education and experience and has passed an examination which has demonstrated that such person is competent in all aspects of such trade to be an unlimited contractor. (B) A limited contractor's license may be issued to a person who fulfills the requirements of subparagraph (A) of this subdivision as to a specific area or areas within the trade for which such person seeks a license. (C) The holder of an unlimited or a limited contractor's license may, within the trade, or the area or areas of the trade, for which such holder has been licensed, furnish supplies and do layout, installation, repair and maintenance work and distribute and handle materials, provided nothing in this subdivision shall be construed to authorize the performance of any action for which licensure is required under the provisions of chapter 390 or 391. Such licensee shall furnish the board with evidence that such licensee will comply with all state requirements



pertaining to workers' compensation and unemployment insurance and that such evidence shall be available to any properly interested person prior to the issuance of a license under this subdivision.

(2) (A) An unlimited journeyman's license may be issued to any person who has completed a bona fide apprenticeship program, including not less than four years' experience in the trade for which such person seeks a license, and has demonstrated such person's competency to perform all services included in the trade for which a license is sought by successfully completing the applicable state licensure examination. (B) A limited journeyman's license may be issued to a person who fulfills the requirements of subparagraph (A) of this subdivision in a specific area or areas of the trade for which such person seeks a license, provided the length of experience required may be less than four years for such area or areas of the trade.

[(3) (A) An elevator craftsman's license may be issued to any person who has completed an apprenticeship program, has at least two years' experience in elevator installation, repair and maintenance work and has demonstrated such person's competency to perform such work. (B) An elevator helper's license may be issued for the performance of elevator maintenance under the supervision of an elevator craftsman.]

[(4)] (3) An apprentice's permit may be issued for the performance of work in a trade licensed under the provisions of this chapter, for the purpose of training, which work may be performed only under the supervision of a licensed contractor, journeyman or elevator craftsman.

Formatted: Underline

[(5)] (4) An apprentice permit shall expire upon the failure of the apprentice holding such permit to apply for the first licensure examination given by the department following completion of an apprentice training program as provided in subdivision (2) of this subsection.

Formatted: Underline

Sec. 17. Section 20-335 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

Any person who has successfully completed an examination for such person's initial license under this chapter shall pay to the Department of Consumer Protection a fee of one hundred fifty dollars for a contractor's license or a fee of one hundred twenty dollars for any other such license. All such licenses shall expire annually. No person shall carry on or engage in the work or occupations subject to this chapter after the expiration of such person's license until such person has filed an application bearing the date of such person's registration card with the appropriate board. Such application shall be in writing, addressed to the secretary of the board from which such renewal is sought and signed by the person applying for such renewal. A licensee applying for renewal shall, at such times as the commissioner shall by regulation prescribe, furnish evidence satisfactory to the board that the licensee has completed any continuing professional education required under sections 20-330 to 20-341, inclusive, or any regulations adopted thereunder. The board may renew such license if the application for such renewal is received by the board no later than one month after the date of expiration of such license, upon payment to the department of a renewal fee of one hundred fifty dollars in the case of a contractor and of one hundred twenty dollars for any other such license. For any completed renewal application submitted pursuant to this section that requires a hearing or other action by the applicable examining board, such hearing or other action by the applicable examining board shall occur not later than thirty days after the date of submission for such completed renewal application. The department shall issue a receipt stating the fact of such payment, which receipt shall be a license to engage in such work or occupation. A licensee who has failed to renew such licensee's license for a period of over [one year] two years from the date of expiration of such license shall have it reinstated only upon complying with the requirements of section 20-333. All license fees and renewal fees paid to the department pursuant to this section shall be deposited in the General Fund.

Formatted: Underline



Sec. 18. Subsection (d) of section 20-355 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(d) All licenses issued under this chapter shall expire annually. If a licensee has failed to renew his license within [one year] two years after its expiration, his application for renewal shall be considered as a new application under section 20-350.

Formatted: Underline

Sec. 19. Section 20-654 is amended by adding subsections (d) and (e):

Sec. 20-654. Examination. Licenses. Renewal. Continuing education. Regulations. (a) No person shall receive a license under the provisions of sections 20-650 to 20-656, inclusive, until such person has passed an examination which shall be substantially similar to the examination of the National Court Reporters Association, or has submitted evidence satisfactory to the board that such person is a Registered Professional Reporter of the National Court Reporters Association or its equivalent.

(b) If the applicant satisfies the requirements of this section, upon payment of the fee required by section 20-653, the board shall authorize the Department of Consumer Protection to issue a license to the applicant, showing that the person named in such license is entitled to engage in the practice of shorthand reporting in this state in accordance with the provisions of sections 20-650 to 20-656, inclusive. Notwithstanding the provisions of subsection (b) of section 21a-10, any such license shall be valid for a period of three years.

(c) Any license issued under the provisions of sections 20-650 to 20-656, inclusive, upon payment of the fee required by section 20-653, may be renewed for a period of three years. As a condition of any such renewal, the licensee shall furnish evidence satisfactory to the board that the licensee has completed not less than thirty continuing education credits since receipt of the initial license or the previous license renewal. The Commissioner of Consumer Protection shall, by regulation adopted in accordance with chapter 54 and upon the recommendation of the board, establish requirements for (1) the continuing education of licensed shorthand reporters; (2) the form and content of the examination shorthand reporters are required to pass to satisfy the licensure requirements set forth in subsection (a) of section 20-654; and (3) such other matters as the commissioner deems necessary to carry out the purposes of this chapter.

(d) A licensee who has failed to renew such license for a period of over two years from the date of expiration of such license shall have it reinstated only upon complying with the examination requirements of this section.

(e) Notwithstanding the provision of subsection (d), upon application and fee, the Board may at its discretion reinstate a lapsed license without examination provided such application for reinstatement is accompanied by a notarized letter and supporting documentation attesting to the applicant's related experience in the field of shorthand reporting or similar work practice satisfactory to the Board from the time he or she had let such license lapse. Such applicant upon approval by the Board shall pay all back license and late fees.

Sec. 20. Sec 21a-4 is amended by adding section (d):

Sec. 21a-4. (Formerly Sec. 19-171b). Refund of fees for unused permits. Fine for payment by check returned as uncollectible. Fine for late renewal of license, certificate or registration. (a) The Commissioner of Consumer Protection may refund to any permittee the fee paid by him for any permit issued by said commissioner and returned to him prior to its use, provided application for such refund shall be made not later than sixty days after the effective date of such permit.



(b) The Commissioner of Consumer Protection may impose a fine of twenty dollars on any applicant for a permit or license issued by the Commissioner of Consumer Protection who issues to the commissioner a check drawn on the account of such applicant in payment of a permit or license fee and whose check is returned to the Department of Consumer Protection as uncollectible.

(c) The Commissioner of Consumer Protection may impose a fine on any applicant who fails to renew a license, permit, certificate or registration not later than the expiration date of such license, permit, certificate or registration. The amount of the fine 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.

(d) Notwithstanding other statutory provisions regarding lapsed licenses under the jurisdiction of the Department of Consumer protection, each applicant whose license has lapsed for a period longer than the length of time allowing automatic reinstatement, may apply for reinstatement to the appropriate board. Upon such application and fee, the Board may at its discretion reinstate a lapsed license without examination provided such application for reinstatement is accompanied by a notarized letter and supporting documentation attesting to the applicant's related work experience in their occupation or profession from the time he or she had let such license lapse. Such applicant upon approval by the Board shall pay all back license and late fee in order for their license to be reinstated.

Sec. 21. Subsection (c) of section 20-349 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(c) Any person desiring to be licensed under this chapter shall apply to the board in writing, on forms which the Department of Consumer Protection shall provide, stating: (1) Such person's name, residence address and business address; (2) a brief description of his qualifications, including the length and nature of his experience; (3) in the case of an apprentice, the name of his employer or supervisor; and (4) such other information as the department may require. Each application for a license as a service dealer shall be accompanied by a fee of two hundred dollars. Each application for a license as a licensed electronics technician, licensed antenna technician or licensed radio electronics technician shall be accompanied by a fee of eighty dollars. Each application for a permit as an apprentice shall be accompanied by a fee of forty dollars. If a service dealer as an individual is a licensed electronics technician or licensed radio electronics technician, only one license fee shall be charged in the amount of two hundred dollars. [On receipt of an application under the provisions of this section, the board may, for an additional fee of forty dollars, authorize the department to issue a temporary permit which will allow the applicant to serve in the capacity for which he seeks licensure until the next examination for such license, provided only one such temporary permit shall be issued to such applicant.] All such fees shall be paid to the department.

Sec. 22. Subsection (b) of section 21a-4 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(b) The Commissioner of Consumer Protection may impose a fine of twenty dollars on any applicant for a permit or license issued by the Commissioner of Consumer Protection who issues to the commissioner a check drawn on the account of such applicant in payment of a permit or license fee and whose check is returned to the Department of Consumer Protection as uncollectible. In addition, the commissioner may require the applicant to pay to the department any fees charged by a financial institution to the department as a result of such returned check.

Formatted: Underline

Sec. 23. Subsection (b) of section 21-33b of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):



(b) Any itinerant vendor or managing itinerant vendor who receives a license pursuant to section 21-28, shall pay a fee of [one] two hundred dollars annually to the guaranty fund. Such fund shall be used to satisfy consumer claims against a licensed itinerant vendor or licensed managing itinerant vendor. In no event shall any payment out of said guaranty fund be in excess of five hundred dollars for any single consumer claim. No claim for payment from the guaranty fund shall be accepted by the commissioner more than six months after the date of the transaction giving rise to such claim.

Formatted: Underline

Sec. 24. Sec. 42-321. Contract requirements. (a) Each contract for social referral 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 written contract or three business days after the social referral service is made available for use by the buyer, whichever is later, by written notice, delivered by certified or registered United States mail to the seller at an address which shall be specified in the contract.

(b) (1) In every contract for social referral services, the seller shall furnish to the buyer a fully completed copy of such contract at the time of its execution, which shows the date of the transaction and contains the name and address of the seller, and in the immediate proximity to the space reserved in the contract for the signature of the buyer and in not less than ten-point bold face type, a statement in substantially the following form:

YOU, THE BUYER, MAY CANCEL THIS CONTRACT AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER YOUR RECEIPT OF THIS CONTRACT OR AFTER THE SOCIAL REFERRAL SERVICE HAS BEEN MADE AVAILABLE FOR YOUR USE, WHICHEVER IS LATER. SEE THE ATTACHED NOTICE OF CANCELLATION FOR AN EXPLANATION OF THIS RIGHT."

(2) At the time the buyer signs the social referral service contract, a statement captioned "NOTICE OF CANCELLATION" shall be contained in the contract and shall contain, in not less than ten-point bold face type, the following information and statements:

"NOTICE OF CANCELLATION

.... (Date of Transaction)

YOU MAY CANCEL THIS CONTRACT, WITHOUT ANY PENALTY OR OBLIGATION, WITHIN THREE BUSINESS DAYS AFTER YOUR RECEIPT OF THIS CONTRACT OR AFTER THE SOCIAL REFERRAL SERVICE HAS BEEN MADE AVAILABLE FOR YOUR USE, WHICHEVER IS LATER, BY MAILING THIS SIGNED AND DATED NOTICE OF CANCELLATION BY CERTIFIED OR REGISTERED UNITED STATES MAIL TO THE SELLER AT THE FOLLOWING ADDRESS: IF YOU CANCEL, ANY PAYMENTS MADE BY YOU UNDER THE CONTRACT WILL BE RETURNED WITHIN TEN BUSINESS DAYS FOLLOWING RECEIPT BY THE SELLER OF YOUR CANCELLATION NOTICE."

(3) All moneys paid pursuant to any contract for social referral services shall be refunded within ten business days of receipt of the notice of cancellation.



Sec. 25. Sec. 20-432. Home Improvement Guaranty Fund. (a) The commissioner shall establish and maintain the Home Improvement Guaranty Fund.

.....

(d) Whenever an owner obtains a court judgment 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 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, appeal in connection with any such judgment, apply to the commissioner for an order directing payment out of said guaranty fund of the amount unpaid upon the judgment for actual damages and costs taxed by the court against 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 court judgment obtained against the contractor together with a notarized affidavit, signed and sworn to by the owner, affirming that: (1) He has complied with all the requirements of this subsection; (2) he has obtained a judgment stating the amount thereof and the amount owing thereon at the date of application; and (3) he has caused to be issued a writ of execution upon said judgment, and the officer executing the same has made a return showing that no bank accounts or [real] personal property of the contractor liable to be levied upon in satisfaction of the judgment could be found, or that the amount realized on the sale of them or of such of them as were found, under the execution, was insufficient to satisfy the actual damage portion of the judgment or stating the amount realized and the balance remaining due on the judgment after application thereon of the amount realized, except that the requirements of this subdivision shall not apply to a judgment obtained by the owner in small claims court. A true and attested copy of said executing officer's return, when required, shall be attached to such application and affidavit. 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 time for, appeal of said court judgment.

Sec. 26. Sec. 20-419. Definitions. As used in this chapter, unless the context otherwise requires:

(1) "Certificate" means a certificate of registration issued under section 20-422.

(2) "Commissioner" means the Commissioner of Consumer Protection or any person designated by the commissioner to administer and enforce this chapter.

(3) "Contractor" means any person who owns and operates a home improvement business or who undertakes, offers to undertake or agrees to perform any home improvement. "Contractor" does not include a person for whom the total cash price of all of his home improvement contracts with all of his customers does not exceed one thousand dollars during any period of twelve consecutive months.

(4) "Home improvement" includes, but is not limited to, the repair, replacement, remodeling, alteration, conversion, modernization, improvement, rehabilitation or sandblasting of, or addition to any land or building or that portion thereof which is used or designed to be used as a private residence, dwelling place or residential rental property, or the construction, replacement, installation or improvement of driveways, swimming pools, porches, garages, roofs, siding, insulation, sunrooms, flooring, patios, landscaping, fences, doors and windows and waterproofing in connection with such land or building or that portion thereof which is used or designed to be used as a private residence, dwelling place or residential rental property or the removal or replacement of a residential underground heating oil storage tank system, in which the total cash price for all work agreed upon between the contractor and owner exceeds two hundred dollars. "Home improvement" does not include: (A) The construction of a new home; (B) the sale of goods by a seller who neither arranges to perform nor performs, directly or indirectly, any work or labor in connection with the installation or application of the goods or materials;



(C) the sale of goods or services furnished for commercial or business use or for resale, provided commercial or business use does not include use as residential rental property; (D) the sale of appliances, such as stoves, refrigerators, freezers, room air conditioners and others which are designed for and are easily removable from the premises without material alteration thereof; and (E) any work performed without compensation by the owner on his own private residence or residential rental property.

(5) "Home improvement contract" means an agreement between a contractor and an owner for the performance of a home improvement.

(6) "Owner" means a person who owns or resides in a private residence and includes any agent thereof including, but not limited to, a condominium association. An owner of a private residence shall not be required to reside in such residence to be deemed an owner under this subdivision.

(7) "Person" means an individual, partnership, limited liability company or corporation.

(8) "Private residence" means a single family dwelling, a multifamily dwelling consisting of not more than six units, or a unit, common element or limited common element in a condominium, as defined in section 47-68a, or in a common interest community, as defined in section 47-202, or any number of condominium units for which a condominium association acts as an agent for such unit owners.

Sec. 27. Sec. 20-329a. Advertising and sale in this state of property in another state: Definitions. As used in sections 20-329a to 20-329n, inclusive:

(1) "Disposition" or "dispose of" means any sale, exchange, lease, assignment, award by lottery or other transaction designed to convey an interest in a subdivision or parcel, lot, or unit in a subdivision when undertaken for gain or profit;

(2) "Offer" means every inducement, solicitation or attempt to bring about a disposition;

(3) "Person" means an individual, firm, company, association, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership, unincorporated association or organization, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity;

(4) "Broker" means a resident real estate broker duly licensed under this chapter;

(5) "Salesperson" means any person duly licensed as a real estate salesperson under this chapter;

(6) "Purchaser" means a person who acquires an interest in any lot, parcel or unit in a subdivision;

(7) "Subdivision" means any improved or unimproved land or tract of land located outside this state which is divided or proposed to be divided into five or more lots, parcels, units, [including time-share units,] or interests for the purpose of disposition, at any time as part of a common promotional plan. Any land which is under common ownership or which is controlled by a single developer or a group of developers acting in concert, is contiguous in area, and is designated or advertised as a common unit or known by a common name, shall be presumed, without regard to the number of lots, parcels, units or interests covered by each individual offering, to be part of a common promotional plan; and



(8) "Advertising" means publishing or causing to be published: (A) By means of any newspaper or periodical; (B) by means of any radio or television broadcast; (C) by means of any written or printed or photographic matter produced by any duplicating process producing ten copies or more, any information offering for sale or for the purpose of causing or inducing any other person to purchase or to acquire an interest in the title to subdivided lands, including the land sales contract to be used and any photographs or drawings or artist's representations of physical conditions or facilities on the property existing or to exist; or (D) by means of any material used in connection with the disposition or offer of subdivided lands by radio, television, telephone or any other electronic means. "Advertising" does not include: Stockholder communications such as annual reports and interim financial reports, proxy materials, registration statements, securities prospectuses, applications for listing securities on stock exchanges, and the like; prospectuses, property reports, offering statements or other documents required to be delivered to prospective purchasers by an agency of any other state or the federal government; all communications addressed to and relating to the account of any persons who have previously executed a contract for the purchase of the subdivider's lands except where directed to the sale of additional lands; or press releases or other communications delivered to newspapers or other periodicals for general information or public relations purposes, provided no charge is made by such newspapers or other periodicals for the publication or use of any part of such communications.

Sec. 20-329b. Excepted activities. Filing fees. (a) Unless the method of disposition is adopted for the purpose of the evasion of the provisions of sections 20-329a to 20-329m, inclusive, or the provisions of the federal Interstate Land Sales Full Disclosure Act, said sections shall not apply to: (1) The making of any offer or disposition of any subdivision or lot, parcel, unit or interest in any subdivision (A) by a purchaser of any subdivision lot, parcel or unit for the purchaser's own account in a single or isolated transaction, (B) to any person who is engaged in the business of the construction of residential, commercial or industrial buildings, other than any lot, parcel, unit or interest in any subdivision, for disposition, (C) pursuant to the order of any court in this state, or (D) by any government or government agency; (2) any offer or disposition of any evidence of indebtedness secured by way of any mortgage or deed of trust of real estate; (3) securities or units of interest issued by an investment trust regulated under the laws of this state; (4) cemetery lots; or (5) the leasing of apartments, offices or stores, or the leasing of similar space within any apartment building, commercial building or industrial building.

(b) The [commission] department may from time to time, pursuant to regulations adopted by the Commissioner of Consumer Protection pursuant to chapter 54, with the advice and assistance of the commission, exempt any subdivision from any of the provisions of sections 20-329a to 20-329m, inclusive, if the [commission] department finds that the enforcement of said sections, with respect to such subdivision or lots, parcels, units or interests in such subdivision, is not necessary in the public interest and for the protection of purchasers by reason of the small amount involved or the limited character of the offering, or because such property has been registered and approved pursuant to the laws of any other state.

(c) Any subdivision which has been registered under the federal Interstate Land Sales Full Disclosure Act shall be exempt from the provisions of section 20-329d, except for the narrative description of the promotional plan for the disposition of the subdivided lands and copies of all advertising material which has been prepared for public distribution by any means of communications, required under subdivision (2) of said section, upon the filing with the [commission] department of a copy of an effective statement of record filed with the [Secretary of Housing and Urban Development] appropriate federal agency together with a filing fee of three hundred dollars for each subdivision covered by such effective statement of record. The fee for filing a consolidation or an additional number of lots not included in the initial filing shall be three hundred dollars.

Sec. 20-329c. Secretary as agent for service of process; bond; license required. Except as provided in section 20-329b, no subdivision or lot, parcel, unit or interest in any subdivision shall in any way be offered or disposed of in



this state by any person or broker until: (1) Such person or broker has appointed in writing the Secretary of the State and his or her successors in office to be such person's or broker's attorney, upon whom all process, in any action or proceeding against such person or broker, may be served. Such person or broker shall agree in such written appointment that any process against such person or broker which is served on the Secretary of the State shall be of the same legal force and validity as if served on such person or broker and that such appointment shall continue in force as long as any liability remains outstanding against such person or broker in this state. Such written appointment shall be acknowledged before an officer authorized to take acknowledgments of deeds and shall be filed in the office of the Secretary of the State, and copies certified by the Secretary of the State shall be sufficient evidence of such appointment and agreement; (2) such person or broker has posted with the [commission] department such bond, in favor of the state, as the [commission] department may require with surety in such amount as the [commission] department may in its discretion determine. No bond which may be required under sections 20-329a to 20-329m, inclusive, shall be accepted for filing unless it is with a surety company authorized to do business in this state. Any person aggrieved by an act of the principal named in such bond in violation of the provisions of this chapter may proceed on such bond against the principal or surety therein, or both, to recover damages; and (3) such person or broker has received a license under section 20-329f. Any person or broker violating the provisions of this section shall be fined not less than one thousand dollars and not more than five thousand dollars for each offense.

Sec. 20-329d. Submission of documents, promotional plan and advertising materials to [commission] department. Filing fees. Any person or broker proposing to offer or dispose of any subdivision or lot, parcel, unit or interest therein in this state shall first submit to the [commission] department (1) such particulars and details of the subdivision or lots, parcels, units or other interest in any subdivision to be offered or to be disposed of as the [commission] department may by regulation require, including but not limited to a prospectus, property report or offering statement embodying all the terms relative to the offering and disposition, (2) a narrative description of the promotional plan for the disposition of the subdivided lands together with copies of all advertising material which has been prepared for public distribution by any means of communications, (3) a completed license application in such form as the [commission] department may require, and (4) a filing fee of three hundred dollars for each subdivision to be offered or disposed of. The fee for filing a consolidation or an additional number of lots not included in the initial filing shall be three hundred dollars.

Sec. 20-329e. Investigation by [commission] department. Before the [commission] department issues any license under section 20-329f to any person or broker, the [Department of Consumer Protection] department shall fully investigate all information placed before the department as may be required pursuant to sections 20-329a to 20-329m, inclusive, and may carry out a physical examination, investigation or inspection of any subdivision which is the subject of the application. All reasonable expenses incurred in carrying out such examination, investigation or inspection shall be paid by the applicant and no such license shall be issued until such expenses have been fully paid.

Sec. 20-329f. Issuance of license. Fees. (a) The [commission] department shall, upon completion of the investigation and inspection as provided in section 20-329e, but, in the absence of any agreement to the contrary between the applicant and the [commission] department, not later than three months from the receipt of the completed license application, or receipt of an effective statement of record filed with the [Secretary of Housing and Urban Development] appropriate federal agency and filed with the [commission] department pursuant to subsection (c) of section 20-329b, (1) approve or disapprove the prospectus, property report or offering statement submitted under subsection (c) of section 20-329b or section 20-329d, as the case may be, and (2) if satisfied, issue to the applicant, upon payment to the [commission] department of a fee computed as provided in subsection (b) of this section, a license to offer and dispose of in this state the subdivision or parcels, units or other interests in any subdivision that is the subject of the application or such effective statement of record. Such license shall be



valid for one year and may be renewed annually upon payment to the [commission] department of a fee, computed as provided in subsection (b) of this section, unless there is a material change affecting such subdivision or lot, parcels, units or other interest in any subdivision or the offer or disposition thereof, in which case all new facts shall be reported to the [commission] department immediately. Upon receipt of such report or in the event that any such material change is discovered by or comes to the attention of the [commission] department through other sources, the [commission] department may, after a hearing pursuant to section 20-321, take such action as the [commission] department considers necessary, including the suspension or revocation of such license if justified.

(b) The amount any person shall pay for an initial license fee or a renewal license fee for each subdivision covered by the license shall be computed on the basis of the rates set forth in the following schedule.

Number Of Lots or Units	Initial Fee	Annual Renewal Fee
----------------------------	----------------	-----------------------

1- 50

\$250.

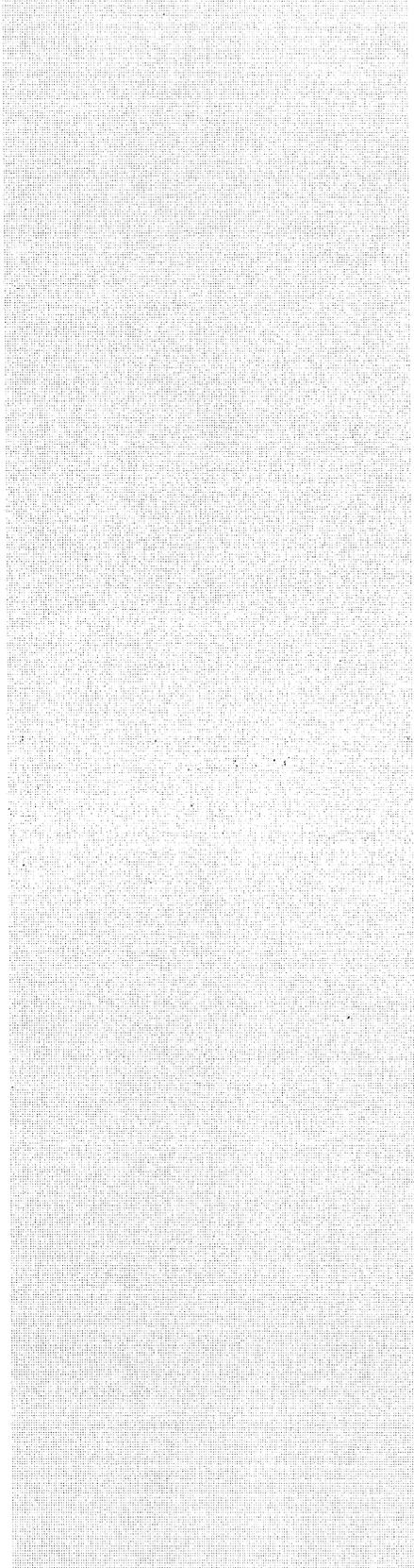
\$100.

51-100

\$275.

\$125.

101-150





\$300.

\$150.

151-200

\$325.

\$175.

201-250

\$350.

\$200.

251-300

\$375.

\$225.

301-350

\$400.

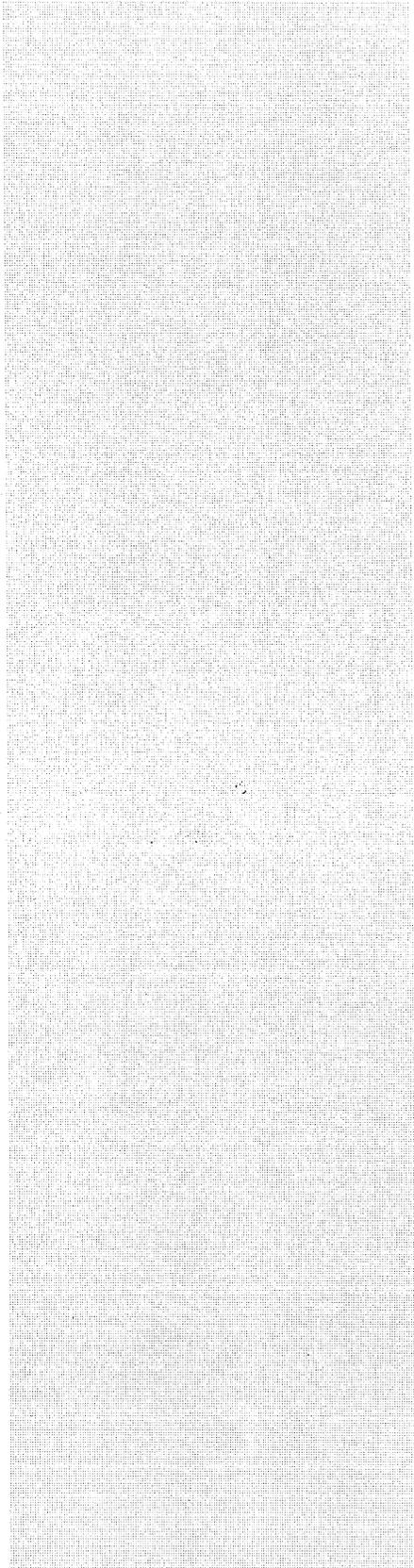
\$250.

351-400

\$425.

\$275.

401-450





\$450.

\$300.

451-500

\$475.

\$325.

501 and above

\$500.

\$350.

Sec. 20-329g. Reference to commission or department in advertising prohibited. No person or broker shall in any manner refer to the commission or department or to any member or employee thereof in offering or disposing of in this state any subdivision lot, parcel or unit in a subdivision nor make any representation whatsoever that such property has been inspected or approved or otherwise passed upon by the commission or department or any official, department or employee of this state. Any person violating the provisions of this section shall be fined not less than one thousand dollars nor more than five thousand dollars.

Sec. 20-329h. Rights of purchasers. (a) No subdivision or lot, parcel, unit or interest in any subdivision shall be disposed of except through a broker, provided nothing in this subsection shall be deemed to prohibit any such broker from employing any salesperson, for the specific purpose of offering or disposing of, on behalf of such broker and under contract to such broker, any lot, parcel, unit or interest in any subdivision. Prior to any offering or disposition, pursuant to any license granted under sections 20-329a to 20-329m, inclusive, the name of such broker shall be placed on file with the [commission] department.

(b) A clearly identified copy of the prospectus, property report or offering statement shall be given to each purchaser by the broker or salesperson prior to the execution of any contract for the disposition of any such property. The broker or salesperson shall obtain from the purchaser a signed receipt for a copy of such prospectus, property report or offering statement and, if a contract for disposition shall be entered into, the receipt shall be kept in the broker's files for a period of seven years and shall be subject to inspection by the [commission] department. Upon termination of such broker or salesperson's employment with the developer, all such records shall be turned over to the developer within thirty days and shall be retained by such developer for the duration of the seven-year period.

(c) Any contract or agreement for the disposition of any subdivision or any lot, parcel, unit or interest in any subdivision, not exempted under the provisions of section 20-329b, where the prospectus, property report or offering statement has not been given to the purchaser more than seventy-two hours in advance of his signing such contract or agreement, may be revoked by the purchaser within seventy-two hours after the purchaser signed the contract or agreement or after receipt by the purchaser of such prospectus, property report or offering statement, whichever is the later, and the contract or agreement shall so provide, except that the contract or



agreement may stipulate that such revocation authority shall not apply in the case of a purchaser who (1) has received the prospectus, property report or offering statement and inspected the subdivision in advance of signing the contract or agreement, and (2) acknowledges by his signature that the purchaser has made such inspection and has read and understood the prospectus, property report or offering statement. Any such revocation shall be in writing in a form prescribed by the [commission] department and shall be communicated to the broker within the time period specified in this subsection. All moneys paid by the purchaser under such revoked contract or agreement shall be returned immediately to the purchaser by the broker without any deductions.

Sec. 20-329i. Penalty. Any broker or salesperson who violates any provision of section 20-329a to 20-329m, inclusive, shall, in addition to any other penalty imposed by said sections, and subject to the provisions of section 20-321, have his real estate broker's or real estate salesperson's license suspended or revoked by the [commission] department for such time as in the circumstances the [commission] department considers justified.

Sec. 28 Sec. 21a-70. (Formerly Sec. 19-210). Registration of manufacturers and wholesalers of drugs. Sale of drugs limited. (a) **Definitions.** As used in this section: (1) "Wholesaler" or "distributor" means a person, whether within or without the boundaries of the state of Connecticut, who supplies drugs, medical devices or cosmetics prepared, produced or packaged by manufacturers, to other wholesalers, manufacturers, distributors, hospitals, prescribing practitioners, as defined in subdivision (22) of section 20-571, pharmacies, federal, state or municipal agencies, clinics or any other person as permitted under subsection (h) of this section, except that: (A) A retail pharmacy or a pharmacy within a licensed hospital which supplies to another such pharmacy a quantity of a noncontrolled drug or a schedule II, III, IV or V controlled substance normally stocked by such pharmacies to provide for the immediate needs of a patient pursuant to a prescription or medication order of an authorized practitioner, (B) a pharmacy within a licensed hospital which supplies drugs to another hospital or an authorized practitioner for research purposes, (C) a retail pharmacy which supplies a limited quantity of a noncontrolled drug or of a schedule II, III, IV or V controlled substance for emergency stock to a practitioner who is a medical director of a chronic and convalescent nursing home, of a rest home with nursing supervision or of a state correctional institution, and (D) a pharmacy within a licensed hospital that contains another hospital wholly within its physical structure which supplies to such contained hospital a quantity of a noncontrolled drug or a schedule II, III, IV, or V controlled substance normally stocked by such hospitals to provide for the needs of a patient, pursuant to a prescription or medication order of an authorized practitioner, receiving inpatient care on a unit that is operated by the contained hospital shall not be deemed a wholesaler under this section; (2) "manufacturer" means a person whether within or without the boundaries of the state of Connecticut who produces, prepares, cultivates, grows, propagates, compounds, converts or processes, directly or indirectly, by extraction from substances of natural origin or by means of chemical synthesis or by a combination of extraction and chemical synthesis, or who packages, repackages, labels or relabels a container under such manufacturer's own or any other trademark or label any drug, device or cosmetic for the purpose of selling such items. The words "drugs", "devices" and "cosmetics" shall have the meaning ascribed to them in section 21a-92; and (3) "commissioner" means the Commissioner of Consumer Protection.

(b) **Registration of wholesalers and manufacturers of drugs required. Exception. Fees. Expenses.** No wholesaler or manufacturer shall operate as such until he has received a certificate of registration issued by the commissioner, which certificate shall be renewed annually, provided no such certificate shall be required of a manufacturer whose principal place of business is located outside the state, who is registered with the federal Food and Drug Administration or any successor agency and who files a copy of such registration with the commissioner. A fee of one hundred ninety dollars shall be charged for each wholesaler's certificate and renewal



thereof. [and] A separate certificate and corresponding fee is required for each location that exists within the State of Connecticut and for each location outside the State of Connecticut that distributes products into the State. [t]The fee for a manufacturer's certificate and renewal thereof shall be two hundred eighty-five dollars for manufacturers employing not more than five licensed pharmacists or qualified chemists or both; three hundred seventy-five dollars for manufacturers employing not more than ten licensed pharmacists or qualified chemists or both; and nine hundred forty dollars for manufacturers employing more than ten licensed pharmacists or qualified chemists or both. No such certificate shall be issued to a manufacturer unless such drugs, medical devices or cosmetics are manufactured or compounded under the direct supervision of a licensed pharmacist or a qualified chemist. No certificate of registration shall be issued under this section until the applicant has furnished proof satisfactory to the commissioner that the applicant is equipped as to facilities and apparatus to properly carry on the business described in his application and that the applicant conforms to chapter 418 and regulations adopted thereunder.

Sec. 21a-246. (Formerly Sec. 19-453). License to manufacture, wholesale, supply, compound, etc. Exception. License fees. License to possess and supply marijuana. (a) No person within this state shall manufacture, wholesale, repackage, supply, compound, mix, cultivate or grow, or by other process produce or prepare, controlled substances without first obtaining a license to do so from the Commissioner of Consumer Protection and no person within this state shall operate a laboratory for the purpose of research or analysis using controlled substances without first obtaining a license to do so from the Commissioner of Consumer Protection, except that such activities by pharmacists or pharmacies in the filling and dispensing of prescriptions or activities incident thereto, or the dispensing or administering of controlled substances by dentists, podiatrists, physicians or veterinarians, or other persons acting under their supervision, in the treatment of patients shall not be subject to the provisions of this section, and provided laboratories for instruction in dentistry, medicine, nursing, pharmacy, pharmacology and pharmacognosy in institutions duly licensed for such purposes in this state shall not be subject to the provisions of this section except with respect to narcotic drugs and schedule I and II controlled substances. Upon application of any physician licensed pursuant to chapter 370, the Commissioner of Consumer Protection shall without unnecessary delay, license such physician to possess and supply marijuana for the treatment of glaucoma or the side effects of chemotherapy. No person outside this state shall sell or supply controlled substances within this state without first obtaining a license to do so from the Commissioner of Consumer Protection, provided no such license shall be required of a manufacturer whose principal place of business is located outside this state and who is registered with the federal Drug Enforcement Administration or other federal agency, and who files a copy of such registration with the appropriate licensing authority under this chapter.

(b) Such licenses shall expire annually, and may be renewed by application to the licensing authority. The Commissioner of Consumer Protection following a hearing as prescribed in section 21a-275, may revoke or suspend any license granted by him pursuant to this section for violation of the provisions of any statute relative to controlled substances or of any regulation made hereunder. The licensing authority, upon application of any person whose license has been suspended or revoked, may reinstate such license upon a showing of good cause.

(c) The fee for licenses provided pursuant to this section shall be according to the following schedule: For any wholesaler, one hundred ninety dollars per annum for each location that exists within the State of Connecticut and for each location outside of the State of Connecticut that distributes products into the State; for manufacturers employing not more than five licensed pharmacists or qualified chemists or both, two hundred eighty-five dollars per annum; for manufacturers employing six to ten licensed pharmacists or qualified chemists or both, three hundred seventy-five dollars per annum; for manufacturers employing more than ten licensed pharmacists or qualified chemists or both, nine hundred forty dollars per annum; for laboratories, eighty dollars per annum. A separate fee is required for each place of business or professional practice where the licensee uses, manufactures, stores, distributes, analyzes or dispenses [controlled] drugs, medical devices or cosmetics.



(d) Controlled substances which are possessed, kept or stored at an address or location other than the address or location indicated on the registration required by chapter 420c or by federal laws and regulations shall be deemed to be possessed, kept or stored illegally and shall be subject to seizure and forfeited to the state. The following are subject to forfeitures: (1) All controlled substances which have been manufactured, distributed, dispensed or acquired in violation of this chapter; (2) all raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter; (3) all property which is used, or intended for use, as a container for property described in paragraph (1) or (2); (4) all conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in paragraph (1) or (2), but (i) no conveyance used by any person as a common carrier is subject to forfeiture under this chapter unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter; (ii) no conveyance is subject to forfeiture under this chapter by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent.

-end-

