



General Assembly

Substitute Bill No. 201

February Session, 2024



**AN ACT CONCERNING THE ATTORNEY GENERAL'S
RECOMMENDATIONS REGARDING PRICE DISCLOSURE, SERVICE
AGREEMENTS, THE NEW HOME CONSTRUCTION GUARANTY FUND
AND THE CONNECTICUT UNFAIR TRADE PRACTICES ACT.**

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

1 Section 1. (NEW) (*Effective October 1, 2024*) (a) For the purposes of this
2 section, "person" means an individual, corporation, limited liability
3 company, trust, partnership, incorporated or unincorporated
4 association or other legal entity doing business in this state.

5 (b) No person shall advertise, display or offer any price in trade or
6 commerce in this state unless such price clearly and conspicuously
7 discloses the total price, which total price shall include all mandatory
8 fees and charges other than any applicable tax imposed by a
9 government entity.

10 (c) A violation of subsection (b) of this section shall be deemed an
11 unfair or deceptive trade practice under subsection (a) of section 42-110b
12 of the general statutes.

13 Sec. 2. (NEW) (*Effective July 1, 2024*) For the purposes of this section
14 and sections 3 to 7, inclusive, of this act:

15 (1) "Person" has the same meaning as provided in section 20-329a of

16 the general statutes;

17 (2) "Record" means to present any instrument to a town clerk for
18 placement in the land records pursuant to section 7-24 of the general
19 statutes;

20 (3) "Residential real property" means one-family to four-family
21 residential real estate located in this state;

22 (4) "Service agreement" means any contract under which a service
23 provider agrees to provide any service to any person in this state in
24 connection with any maintenance, purchase or sale of residential real
25 property;

26 (5) "Service provider" means any person that provides, or agrees to
27 provide, any service to any other person in this state in connection with
28 any maintenance, purchase or sale of residential real property; and

29 (6) "Unfair service agreement" means any service agreement that (A)
30 is entered into on or after July 1, 2024, (B) does not require the service
31 provider that is a party to such agreement to perform any part of any
32 service pursuant to such agreement within the one-year period
33 immediately following the date on which the parties to such agreement
34 entered into such agreement, and (C) (i) purports to run with the land
35 or bind future owners of interests in the residential real property that is
36 the subject of such agreement, (ii) allows for any assignment of any right
37 to provide any service under such agreement without first providing
38 notice to, and obtaining consent from, the owner of the residential real
39 property that is the subject of such agreement, or (iii) purports to create
40 any lien or encumbrance upon, or other security interest in, the
41 residential real property that is the subject of such agreement.

42 Sec. 3. (NEW) (*Effective July 1, 2024*) (a) No service provider shall enter
43 into any unfair service agreement with any person who holds any
44 interest in residential real property.

45 (b) No unfair service agreement shall be enforceable.

46 (c) A violation of subsection (a) of this section shall be deemed an
47 unfair or deceptive trade practice under subsection (a) of section 42-110b
48 of the general statutes.

49 Sec. 4. (NEW) (*Effective July 1, 2024*) No person shall record, or cause
50 to be recorded, any unfair service agreement or any notice or
51 memorandum thereof. If any such agreement, notice or memorandum
52 is recorded, such agreement, notice or memorandum shall not be
53 deemed to provide actual or constructive notice to an otherwise bona
54 fide purchaser or creditor of the residential real property that is the
55 subject of such agreement. Notwithstanding the provisions of section 7-
56 24 of the general statutes, a town clerk may refuse to receive any unfair
57 service agreement, or any notice or memorandum thereof, for recording.

58 Sec. 5. (NEW) (*Effective July 1, 2024*) (a) If any unfair service
59 agreement, or any notice or memorandum thereof, is recorded, any
60 person with an interest in the residential real property that is the subject
61 of such agreement or the Attorney General may apply to the Superior
62 Court for an order declaring such agreement to be unenforceable. Upon
63 presentment of such order to the town clerk of the town in which such
64 agreement, notice or memorandum is recorded, the recording of such
65 agreement, notice or memorandum shall be discharged.

66 (b) If any unfair service agreement, or any notice or memorandum
67 thereof, is recorded, any person with an interest in the residential real
68 property that is the subject of such agreement may recover such actual
69 damages, costs and attorney's fees as may be proven against the service
70 provider that recorded such agreement or caused such agreement to be
71 recorded.

72 Sec. 6. (NEW) (*Effective July 1, 2024*) (a) Not later than July 31, 2024,
73 each service provider that entered into a service agreement on or before
74 June 30, 2024, shall record a notice of such service agreement with the
75 town clerk of the town in which the residential real property that is the
76 subject of such service agreement is located.

77 (b) Each notice recorded pursuant to subsection (a) of this section
78 shall include (1) the title "Notice of Service Agreement" printed in not
79 less than fourteen-point bold type, (2) a legal description of the
80 residential real property that is the subject of the service agreement, (3)
81 the amount of the fee specified in the service agreement or the method
82 by which such fee shall be calculated, (4) the date or circumstances
83 under which the obligation set forth in the service agreement shall
84 expire, (5) the name, address and telephone number of the service
85 provider, and (6) if the service provider is (A) an individual, the
86 notarized signature of the individual, or (B) an entity, the notarized
87 signature of an authorized officer or employee of the entity.

88 (c) If a service provider fails to record the notice required under
89 subsections (a) and (b) of this section on or before July 31, 2024, the
90 service agreement shall be void and unenforceable and any interest in
91 the residential real property that is the subject of such service agreement
92 may be conveyed free and clear of such service agreement.

93 Sec. 7. (NEW) (*Effective July 1, 2024*) No provision of sections 3 to 6,
94 inclusive, of this act shall be construed to:

95 (1) Apply to any (A) home warranty or similar product that covers
96 the cost of maintaining any major home system, including, but not
97 limited to, the cost of any electrical, plumbing or heating, ventilation
98 and air conditioning work, for a fixed period, (B) insurance contract, (C)
99 option or right of first refusal to purchase residential real property, (D)
100 declaration, as defined in section 47-202 of the general statutes, (E)
101 maintenance or repair agreement entered into by an association, as
102 defined in section 47-202 of the general statutes, (F) mortgage loan or
103 any commitment to make or receive any such loan, (G) security
104 agreement (i) relating to any sale or rental of any personal property or
105 fixture, and (ii) governed by the Uniform Commercial Code, or (H)
106 cable, electrical, sewer, telephone, water or other regulated utility
107 service provider; or

108 (2) Impair the rights granted by any mechanic's lien placed upon any

109 residential real property pursuant to chapter 847 of the general statutes.

110 Sec. 8. Section 20-417a of the general statutes is repealed and the
111 following is substituted in lieu thereof (*Effective from passage*):

112 As used in this section and sections 20-417b to 20-417j, inclusive:

113 (1) "Certificate" means a certificate of registration issued under
114 section 20-417b;

115 (2) "Commissioner" means the Commissioner of Consumer
116 Protection or any person designated by the commissioner to administer
117 and enforce this section and sections 20-417b to 20-417j, inclusive;

118 (3) "Completion" means the stage of construction of a new home in
119 which the new home construction contractor is in receipt of the
120 certificate of occupancy for such new home issued by the municipality
121 in which such new home is constructed;

122 (4) "Consumer" means the buyer or prospective buyer, or the buyer's
123 or prospective buyer's heirs or designated representatives, of any new
124 home or the owner of property on which a new home is being or will be
125 constructed regardless of whether such owner obtains a building permit
126 as the owner of the premises affected pursuant to section 29-263;

127 ~~[(3)]~~ (5) "Contract" means any agreement between a new home
128 construction contractor and a consumer for the construction or sale of a
129 new home or any portion of a new home prior to occupancy;

130 ~~[(4)]~~ (6) "Engage in the business" means that the person engages in
131 the business for the purpose of compensation or profit;

132 (7) "New home" means any newly constructed (A) single-family
133 dwelling unit, (B) dwelling consisting of not more than two units, or (C)
134 unit, common element or limited common element in a condominium,
135 as defined in section 47-68a, or in a common interest community, as
136 defined in section 47-202;

137 [(5)] (8) "New home construction contractor" means any person who
138 contracts with a consumer to construct or sell a new home or any portion
139 of a new home prior to occupancy;

140 [(6)] "New home" means any newly constructed (A) single-family
141 dwelling unit, (B) dwelling consisting of not more than two units, or (C)
142 unit, common element or limited common element in a condominium,
143 as defined in section 47-68a, or in a common interest community, as
144 defined in section 47-202;]

145 [(7)] (9) "Person" means one or more individuals, partnerships,
146 associations, corporations, limited liability companies, business trusts,
147 legal representatives or any organized group of persons; and

148 [(8)] "Consumer" means the buyer or prospective buyer, or the buyer's
149 or prospective buyer's heirs or designated representatives, of any new
150 home or the owner of property on which a new home is being or will be
151 constructed regardless of whether such owner obtains a building permit
152 as the owner of the premises affected pursuant to section 29-263; and

153 (9) "Completion" means the stage of construction of a new home in
154 which the new home construction contractor is in receipt of the
155 certificate of occupancy for such new home issued by the municipality
156 in which such new home is constructed.]

157 (10) "Proprietor" means an individual who (A) has an ownership
158 interest in a business entity that holds or has held a certificate issued
159 under section 20-417b, and (B) has been found by a court of competent
160 jurisdiction to have violated any provision of this chapter related to the
161 conduct of a business entity holding a certificate or that has held a
162 certificate issued under section 20-417b within the two years of the
163 effective date of entering into a contract with a consumer harmed by the
164 actions of such business entity or the owner of such business entity.

165 Sec. 9. Section 20-417i of the general statutes is repealed and the
166 following is substituted in lieu thereof (*Effective from passage*):

167 (a) The commissioner shall establish and maintain the New Home
168 Construction Guaranty Fund.

169 (b) Each person who receives a certificate pursuant to sections 20-
170 417a to 20-417j, inclusive, as amended by this act, shall pay a fee of two
171 hundred forty dollars annually to the New Home Construction
172 Guaranty Fund. Such fees shall be payable with the fee for an
173 application for a certificate or renewal of a certificate.

174 (c) (1) For fiscal years commencing on or after July 1, 2003, payments
175 received under subsection (b) of this section shall be credited to the New
176 Home Construction Guaranty Fund until the balance in the fund equals
177 seven hundred fifty thousand dollars. Annually, if the balance in the
178 fund exceeds seven hundred fifty thousand dollars, the first three
179 hundred thousand dollars of the excess shall be deposited in the
180 consumer protection enforcement account established in section 21a-8a.
181 On June 1, 2004, and each June first thereafter, if the balance in the fund
182 exceeds seven hundred fifty thousand dollars, the excess shall be
183 deposited in the General Fund.

184 (2) Any money in the New Home Construction Guaranty Fund may
185 be invested or reinvested in the same manner as funds of the state
186 employees retirement system and the interest arising from such
187 investments shall be credited to the fund.

188 (d) Whenever a consumer obtains a binding arbitration decision, a
189 court judgment, order or decree against or regarding any new home
190 construction contractor holding a certificate or who has held a certificate
191 under sections 20-417a to 20-417j, inclusive, as amended by this act, or
192 against a proprietor, within two years of the date [of entering] such
193 contractor entered into the contract with the consumer, for loss or
194 damages sustained by reason of any violation of the provisions of
195 sections 20-417a to 20-417j, inclusive, as amended by this act, by a person
196 holding a certificate under said sections, such consumer may, upon the
197 final determination of, or expiration of time for taking, an appeal in
198 connection with any such decision, judgment, order or decree, apply to

199 the commissioner for an order directing payment out of the New Home
200 Construction Guaranty Fund of the amount, not exceeding thirty
201 thousand dollars, unpaid upon the decision, judgment, order or decree
202 for actual damages and costs taxed by the court against such contractor
203 or proprietor, exclusive of punitive damages. The application shall be
204 made on forms provided by the commissioner and shall be
205 accompanied by a copy of the decision, court judgment, order or decree
206 obtained against the new home construction contractor or proprietor
207 together with a statement signed and sworn to by the consumer,
208 affirming that the consumer has: (1) Complied with all the requirements
209 of this subsection; (2) obtained a decision, judgment, order or decree
210 stating the amount of the decision, judgment, order or decree and the
211 amount owing on the decision, judgment, order or decree at the date of
212 application; and (3) made a good faith effort to satisfy any such decision,
213 judgment, order or decree in accordance with the provisions of chapter
214 906, which effort may include causing to be issued a writ of execution
215 upon such decision, judgment, order or decree, [but] provided the
216 officer executing the same has made a return showing that no bank
217 accounts or personal property of such contractor liable to be levied upon
218 in satisfaction of the decision, judgment, order or decree could be found,
219 or that the amount realized on the sale of them or of such of them as
220 were found, under the execution, was insufficient to satisfy the actual
221 damage portion of the decision, judgment, order or decree or stating the
222 amount realized and the balance remaining due on the decision,
223 judgment, order or decree after application on the decision, judgment,
224 order or decree of the amount realized, except that the requirements of
225 this subdivision shall not apply to a judgment, order or decree obtained
226 by the consumer in small claims court. A true and attested copy of such
227 executing officer's return, when required, shall be attached to such
228 application. Whenever the consumer satisfies the commissioner or the
229 commissioner's designee that it is not practicable to comply with the
230 requirements of subdivision (3) of this subsection and that the consumer
231 has taken all reasonable steps to collect the amount of the decision,
232 judgment, order or decree or the unsatisfied part of the decision,
233 judgment, order or decree and has been unable to collect the same, the

234 commissioner or the commissioner's designee may, in the
235 commissioner's or the commissioner's designee's discretion, dispense
236 with the necessity for complying with such requirement. No application
237 for an order directing payment out of the fund shall be made later than
238 two years from the final determination of, or expiration of time for
239 taking, an appeal of such decision, court judgment, order or decree and
240 no such application shall be for an amount in excess of thirty thousand
241 dollars.

242 (e) Upon receipt of such application together with such copy of the
243 decision, court judgment, order or decree, statement and, except as
244 otherwise provided in subsection (d) of this section, true and attested
245 copy of the executing officer's return, the commissioner or the
246 commissioner's designee shall inspect such documents for their veracity
247 and upon a determination that such documents are complete and
248 authentic and that the consumer has not been paid, the commissioner
249 shall order payment out of the New Home Construction Guaranty Fund
250 of the amount not exceeding thirty thousand dollars unpaid upon the
251 decision, judgment, order or decree for actual damages and costs taxed
252 by the court against the contractor or proprietor, exclusive of punitive
253 damages.

254 (f) ~~[Beginning] (1) During the period beginning on October 1, 2000,~~
255 ~~and ending on the date immediately preceding the effective date of this~~
256 ~~section,~~ whenever a consumer is awarded an order of restitution against
257 any new home construction contractor for loss or damages sustained as
258 a result of any violation of the provisions of sections 20-417a to 20-417j,
259 inclusive, ~~as amended by this act,~~ by a person holding a certificate or
260 who has held a certificate under said sections within two years of the
261 date of entering into the contract with the consumer, in [(1)] (A) a
262 proceeding brought by the commissioner pursuant to subsection [(h)] (i)
263 of this section or subsection (d) of section 42-110d, [(2)] (B) a proceeding
264 brought by the Attorney General pursuant to subsection (a) of section
265 42-110m, ~~as amended by this act,~~ or subsection (d) of section 42-110d, or
266 [(3)] (C) a criminal proceeding pursuant to section 20-417e, such

267 consumer may, upon the final determination of, or expiration of time for
268 taking, an appeal in connection with any such order of restitution, apply
269 to the commissioner for an order directing payment out of the New
270 Home Construction Guaranty Fund of the amount not exceeding thirty
271 thousand dollars unpaid upon the order of restitution. The
272 commissioner may issue such order upon a determination that the
273 consumer has not been paid.

274 (2) Beginning on the effective date of this section, whenever a
275 consumer is awarded an order of restitution against any new home
276 construction contractor or proprietor for loss or damages sustained as a
277 result of any violation of the provisions of sections 20-417a to 20-417j,
278 inclusive, as amended by this act, by a person holding a certificate or
279 who has held a certificate under said sections within two years of the
280 date such contractor entered into the contract with the consumer, in (A)
281 a proceeding brought by the commissioner pursuant to subsection (i) of
282 this section or subsection (d) of section 42-110d, (B) a proceeding
283 brought by the Attorney General pursuant to subsection (a) of section
284 42-110m, as amended by this act, or subsection (d) of section 42-110d, or
285 (C) a criminal proceeding pursuant to section 20-417e, such consumer
286 may, upon the final determination of, or expiration of time for taking,
287 an appeal in connection with any such order of restitution, apply to the
288 commissioner for an order directing payment out of the New Home
289 Construction Guaranty Fund of the amount not exceeding thirty
290 thousand dollars unpaid upon the order of restitution. The
291 commissioner may issue such order upon a determination that the
292 consumer has not been paid.

293 (g) Whenever the commissioner orders payment to a consumer out
294 of the New Home Construction Guaranty Fund based upon a decision,
295 judgment, order or decree of restitution, the contractor and proprietor
296 shall be liable for the resulting debt to the New Home Construction
297 Guaranty Fund.

298 [(g)] (h) Before the commissioner may issue any order directing
299 payment out of the New Home Construction Guaranty Fund to a

300 consumer pursuant to subsection (e) or (f) of this section, the
301 commissioner shall first notify the new home construction contractor of
302 the consumer's application for an order directing payment out of the
303 fund and of the new home construction contractor's right to a hearing
304 to contest the disbursement in the event that such contractor or
305 proprietor has already paid the consumer. Such notice shall be given to
306 the new home construction contractor not later than fifteen days after
307 receipt by the commissioner of the consumer's application for an order
308 directing payment out of the fund. If the new home construction
309 contractor requests a hearing, in writing, by certified mail not later than
310 fifteen days after receiving the notice from the commissioner, the
311 commissioner shall grant such request and shall conduct a hearing in
312 accordance with the provisions of chapter 54. If the commissioner does
313 not receive a written request for a hearing by certified mail from the new
314 home construction contractor on or before the fifteenth day from the
315 contractor's receipt of such notice, the commissioner shall conclude that
316 the consumer has not been paid, and the commissioner shall issue an
317 order directing payment out of the fund for the amount not exceeding
318 thirty thousand dollars unpaid upon the judgment, order or decree for
319 actual damages and costs taxed by the court against the new home
320 construction contractor or proprietor, exclusive of punitive damages, or
321 for the amount not exceeding thirty thousand dollars unpaid upon the
322 order of restitution.

323 [(h)] (i) The commissioner or the commissioner's designee may
324 proceed against any new home construction contractor holding a
325 certificate or who has held a certificate under sections 20-417a to 20-417j,
326 inclusive, as amended by this act, within two years of the effective date
327 of entering into the contract with the consumer, for an order of
328 restitution arising from loss or damages sustained by any consumer as
329 a result of any violation of the provisions of said sections 20-417a to 20-
330 417j, inclusive, by the contractor or proprietor. Any such proceeding
331 shall be held in accordance with the provisions of chapter 54. In the
332 course of such proceeding, the commissioner or the commissioner's
333 designee shall decide whether to (1) exercise the powers specified in

334 section 20-417c, (2) order restitution arising from loss or damages
335 sustained by any consumer as a result of any violation of the provisions
336 of sections 20-417a to 20-417j, inclusive, as amended by this act, and (3)
337 order payment out of the New Home Construction Guaranty Fund.
338 Notwithstanding the provisions of chapter 54, the decision of the
339 commissioner or the commissioner's designee shall be final with respect
340 to any proceeding to order payment out of the fund and the
341 commissioner and the commissioner's designee shall not be subject to
342 the requirements of chapter 54 as such requirements relate to an appeal
343 from any such decision. The commissioner or the commissioner's
344 designee may hear complaints of all consumers submitting claims
345 against a single new home construction contractor in one proceeding.

346 [(i)] (j) No application for an order directing payment out of the New
347 Home Construction Guaranty Fund shall be made later than two years
348 from the final determination of, or expiration of time for, an appeal in
349 connection with any judgment, order or decree of restitution, and no
350 such application shall be for an amount in excess of thirty thousand
351 dollars.

352 [(j)] (k) In order to preserve the integrity of the New Home
353 Construction Guaranty Fund, the commissioner, in the commissioner's
354 sole discretion, may order payment out of the fund of an amount less
355 than the actual loss or damages incurred by the consumer or less than
356 the order of restitution awarded by the commissioner or the Superior
357 Court. In no event shall any payment out of the fund be in excess of
358 thirty thousand dollars for any single claim by a consumer.

359 [(k)] (l) If the money deposited in the New Home Construction
360 Guaranty Fund is insufficient to satisfy any duly authorized claim or
361 portion of a claim, the commissioner shall, when sufficient money has
362 been deposited in the fund, satisfy such unpaid claims or portions of
363 claims not exceeding thirty thousand dollars, in the order that such
364 claims or portions of claims were originally determined.

365 [(l)] (m) Whenever the commissioner has caused any sum to be paid

366 from the New Home Construction Guaranty Fund to a consumer, the
367 commissioner shall be subrogated to all of the rights of the consumer up
368 to the amount paid plus reasonable interest, and prior to receipt of any
369 payment from the fund, the consumer shall assign all of the consumer's
370 right, title and interest in the claim up to such amount to the
371 commissioner, and any amount and interest recovered by the
372 commissioner on the claim shall be deposited in the fund.

373 [(m)] (n) If the commissioner orders the payment of any amount as a
374 result of a guaranty fund claim against a new home construction
375 contractor or proprietor, the commissioner shall determine if such
376 contractor is possessed of assets liable to be sold or applied in
377 satisfaction of the claim on the New Home Construction Guaranty
378 Fund. If the commissioner discovers any such assets, the commissioner
379 may request that the Attorney General take any action necessary for the
380 reimbursement of the fund.

381 [(n)] (o) If the commissioner orders the payment of an amount as a
382 result of a guaranty fund claim against a new home construction
383 contractor, the commissioner may, after notice and hearing in
384 accordance with the provisions of chapter 54, revoke the certificate of
385 such contractor and such contractor shall not be eligible to receive a new
386 or renewed certificate until such contractor has repaid such amount in
387 full, plus interest from the time such payment is made from the New
388 Home Construction Guaranty Fund, at a rate to be in accordance with
389 section 37-3b, except that the commissioner may, in the commissioner's
390 sole discretion, permit a new home construction contractor to receive a
391 new or renewed certificate after such contractor has entered into an
392 agreement with the commissioner whereby such contractor agrees to
393 repay the fund in full in the form of periodic payments over a set period
394 of time. Any such agreement shall include a provision providing for the
395 summary suspension of any and all certificates held by the new home
396 construction contractor if payment is not made in accordance with the
397 terms of the agreement.

398 Sec. 10. Section 42-110j of the general statutes is repealed and the

399 following is substituted in lieu thereof (*Effective from passage*):

400 In the administration of this chapter, the commissioner may accept
401 an assurance of voluntary compliance with respect to any method, act
402 or practice deemed in violation of this chapter from any person alleged
403 to be engaged or to have been engaged in such method, act or practice.
404 Such assurance may include an amount as restitution to aggrieved
405 persons and for investigative costs. No such assurance of voluntary
406 compliance shall be considered an admission of violation for any
407 purpose. Matters thus closed may at any time be reopened by the
408 commissioner for further proceedings in the public interest. In the event
409 of any violation of the terms of an assurance of voluntary compliance
410 accepted under this section, the commissioner may proceed as provided
411 in sections 42-110d and 42-110e or may request that the Attorney
412 General apply in the name of the state to the Superior Court for relief
413 from such violation consistent with section 42-110m, as amended by this
414 act.

415 Sec. 11. Subsection (a) of section 42-110m of the general statutes is
416 repealed and the following is substituted in lieu thereof (*Effective from*
417 *passage*):

418 (a) Whenever the commissioner has reason to believe that any person
419 has been engaged or is engaged in an alleged violation of any provision
420 of this chapter said commissioner may proceed as provided in sections
421 42-110d and 42-110e or may request the Attorney General to apply in
422 the name of the state of Connecticut to the Superior Court for an order
423 temporarily or permanently restraining and enjoining the continuance
424 of such act or acts or for an order directing restitution and the
425 appointment of a receiver in appropriate instances, or both. Proof of
426 public interest or public injury shall not be required in any action
427 brought pursuant to section 42-110d, section 42-110e or this section.
428 Such action may include an application to enforce any term of an
429 assurance of voluntary compliance accepted under section 42-110j, as
430 amended by this act. The court may award the relief applied for or so
431 much as it may deem proper including reasonable attorney's fees,

432 accounting and such other relief as may be granted in equity. In such
433 action the commissioner shall be responsible for all necessary
434 investigative support.

435 Sec. 12. Subsection (b) of section 42-110o of the general statutes is
436 repealed and the following is substituted in lieu thereof (*Effective from*
437 *passage*):

438 (b) In any action brought under section 42-110m, as amended by this
439 act, if the court finds that a person is wilfully using or has wilfully used
440 a method, act or practice prohibited by section 42-110b, the Attorney
441 General, upon petition to the court, may recover, on behalf of the state,
442 a civil penalty of not more than five thousand dollars for each violation.
443 For purposes of this subsection, a wilful violation occurs when: [the] (1)
444 The party committing the violation knew or should have known that his
445 conduct was a violation of section 42-110b; or (2) a person violates the
446 terms of an assurance of voluntary compliance accepted under section
447 42-110j, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	New section
Sec. 2	<i>July 1, 2024</i>	New section
Sec. 3	<i>July 1, 2024</i>	New section
Sec. 4	<i>July 1, 2024</i>	New section
Sec. 5	<i>July 1, 2024</i>	New section
Sec. 6	<i>July 1, 2024</i>	New section
Sec. 7	<i>July 1, 2024</i>	New section
Sec. 8	<i>from passage</i>	20-417a
Sec. 9	<i>from passage</i>	20-417i
Sec. 10	<i>from passage</i>	42-110j
Sec. 11	<i>from passage</i>	42-110m(a)
Sec. 12	<i>from passage</i>	42-110o(b)

Statement of Legislative Commissioners:

In Section 4, "constructive notice against" was changed to "constructive notice to" for consistency; in Sections 8(10)(A) and 8(10)(B), "certificate

under this chapter" was changed to "certificate issued under section 20-417b" for accuracy; in Section 8(10)(B), "an owner harmed" was changed to "a consumer harmed" for consistency; and in Section 9(d)(3), "decree but" was changed to "decree [but] provided" for consistency with standard drafting conventions.

GL *Joint Favorable Subst.*