



# Consumer Watch

A Monthly Newsletter from the Connecticut Department of Consumer Protection

William M. Rubenstein, Commissioner

Dannel P. Malloy, Governor

[www.ct.gov/dcp](http://www.ct.gov/dcp)

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## Suggested Links

[www.ct.gov/dcp](http://www.ct.gov/dcp)

Our website offers the latest and most comprehensive information that we have on dozens of consumer-related topics!

[www.smartconsumer.ct.gov](http://www.smartconsumer.ct.gov)

Basic information to protect yourself and avoid scams!

<https://www.elicense.ct.gov>

To verify a license, permit or registration, or to run a roster of licensees. Also, the place for online renewal!

## Contact Us

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## A Host of New Laws Keeps Agency Humming

*New duties and improvements to some existing programs and responsibilities were the result of the 2013 Session of the Connecticut General Assembly, which ended on June 5<sup>th</sup>. While a more complete list of the newly passed laws is on the Department's [website](#), here are some highlights:*

**Public Act 13-172, [AN ACT CONCERNING THE ELECTRONIC PRESCRIPTION DRUG MONITORING PROGRAM](#)** makes changes to the

Connecticut Prescription Monitoring and Reporting System (CPMRS) already administered by the Department of Consumer Protection's Prescription Monitoring Program (PMP). In addition to the prescription reporting currently done by licensed pharmacies, practitioners who dispense controlled substances must upload their dispensing information to the program on a weekly basis. Also, all prescribers in possession of a Connecticut Controlled Substance Practitioner (CSP) registration issued by the Department are now required to register as a user with the CPMRS.



*More, page 3*

## From Commissioner Rubenstein

The 2013 session of the Connecticut General Assembly saw passage of nearly two dozen laws that involve the Department of Consumer Protection. The new laws authorize studies on e-books and home improvement contractors, strengthen consumer protections during weather emergencies, and enhance reporting requirements for prescribers of certain medications. We provide a quick sample of the new laws in this month's issue.

With longer days and (mostly) fair weather, many of us are making repairs and improvements around the house. Projects that require electrical, plumbing and other types of skilled labor can leave one asking, exactly **what type** of plumber (or electrician or HVAC contractor, etc.) do I need for this job? We offer some guidelines on page 2.

Connecticut's own "new automobile warranty act program" – the Lemon Law program -- is 31 years old and still saving millions of dollars each year for consumers who unfortunately bought a new car with ongoing repair problems. No new car buyer in Connecticut ever needs to be saddled with a lemon. Learn how the program works on page 4. Then, enjoy the remainder of your summer!



**William M. Rubenstein**

## Seeking Skilled Labor: Hiring the Right Tradesperson for the Job

At the start of the television program, an average-looking suburban couple surveys their pressure-treated deck, tempered glass-topped table, vinyl chairs and shade umbrella. Less than 60 minutes later, the same couple is entertaining friends on their etched-stone patio, complete with Jacuzzi, mood music, built in grill, wet bar, solar pavers and accent lighting. Often overlooked in these magical makeover shows is the job of finding contractors with the skills and credentials to make the dream project a reality.

“Whether you are hiring a contractor for basic repairs or top-of-the-line improvements, it’s important to match the worker to the job,” Commissioner Rubenstein said. “For safety’s sake as well as financial considerations, you want to hire someone proficient in that type of work.”



### What type of contractor should I hire for a specific job?

To find out what type of contractor you need, contact your local building official, who is going to be knowledgeable about the specific type of licenses required for the jobs you want done. Be sure to ask about any required building permit, and pick up the permit application.

The Department’s website offers some detail on the [different license types](#) and the scope of work for each license. The e-Licensing website includes a database of contractors. Occupational licenses are issued to individuals, not corporations, LLCs or partnerships. You can [run a roster](#) of contractors near you who hold the specific license type you need. Before hiring anyone, call the Department at 1-800-842-2649 to find out if the contractor you might hire has any complaints on file.

Connecticut has nearly 44,000 occupational licensees in 125 occupational categories. Professional licensing boards oversee the education, training, and licensing requirements for each occupation. The Department administers the following occupational boards: Electrical Work; Plumbing and Piping; Heating, Piping, Cooling and Sheet Metal; Elevator Installation, Repair and Maintenance; Fire Protection Sprinkler System Work; and Automotive and Flat Glass Work. Each occupation includes various skill levels and specialty areas.

### What’s the difference between a contractor, a journeyman, and an apprentice?

Only a licensed contractor can legally enter into an agreement with you. He or she can either do the work personally, or assign it to a licensed journeyman on his staff. The journeyman is an employee of the contractor and may do the scope of work the license allows without direct supervision. A contractor may also have apprentices, who work with the contractor or the journeymen. Apprentices must be supervised and within sight of the contractor or journeyman.

### What happens to unlicensed workers, or persons who work outside the scope of their license?

The Department of Consumer Protection is responsible under Connecticut General Statutes [Chapter 393](#) for enforcing occupational trade laws, and for apprehending individuals that choose to engage in occupational work without the appropriate training, experience and license. These persons pose a serious risk to public safety. Occupational enforcement is the deterrent to substandard and unsafe job sites and work outcomes. Anyone who does work for which they are not licensed can be charged with a Class B misdemeanor or a civil penalty of up to \$1,000 for the first offence, \$1,500 for the second offence, and \$3,000 for the third. The same is true for anyone who works outside the scope of his license – for example, doing work that only a contractor of a higher grade is licensed to perform.

A violation of the occupational law is also a violation of the Connecticut Unfair Trade Practices Act.

### Who can I contact if I have a problem with an occupational tradesperson?

If you are dissatisfied with an occupational tradesperson, speak first to the contractor with whom you signed the contract. If you are still not satisfied, you may contact our Occupational Enforcement Unit at [dcp.tradepactices@ct.gov](mailto:dcp.tradepactices@ct.gov). The unit handles about 340 complaints each year regarding possible violations of occupational laws, such as unlicensed workers doing licensable work, working beyond the scope allowed under a particular license, or apprentices working without supervision.

## New Laws, *continued from page 1*

The Prescription Monitoring Program, which was launched in 2008, helps to assure patient safety and reduce improper or illegal use of prescription drugs by administering a searchable database of prescription records on controlled substances, schedules II through V. The database is designed to present a complete picture of a patient's controlled substance use, including prescriptions by other providers, so that each provider can properly manage the patient's treatment, including the referral of a patient to services offering treatment for drug abuse or addiction when appropriate.



Consumers will benefit from **Public Act 13-175, [AN ACT PROHIBITING PRICE GOUGING DURING SEVERE WEATHER EVENTS](#)**, which bans excessive price increases on goods and services during any severe weather emergency that the governor proclaims. Under the bill, no seller can sell or offer to sell goods or services for an “unconscionably excessive price” during a weather emergency. Goods and services are defined as those vital and necessary for consumer health, safety, or welfare and used, bought, or rendered primarily for personal, family, or household purposes. Lodging, snow removal, flood abatement, and post-storm cleanup or repair services are included. Energy resource (e. g. , gasoline) sellers are exempt under this law, but are similarly banned from excessive pricing during weather emergencies by Connecticut General Statutes Section 42-234. Whether a price will be

considered unconscionably excessive is based on several factors, which a defendant may rebut.

**Special Act 13-18, [AN ACT REQUIRING THE COMMISSIONER OF CONSUMER PROTECTION TO UNDERTAKE A STUDY REGARDING HOME IMPROVEMENT CONTRACTORS](#)**, requires DCP to conduct a study regarding home improvement contractor registration and to report the results to the General Assembly by July 1, 2014. Areas to be considered must include (1) Whether home improvement contractors should be tested and licensed, instead of registered, by the Department of Consumer Protection, (2) what problems, if any, exist with the current system of registration of home improvement contractors, (3) a survey of how other states permit or license home improvement contractors, and (4) recommendations, if any, for improvement of the current system of registration of home improvement contractors in the state.

**Public Act 13-88, [AN ACT CONCERNING HOMEMAKER-COMPANION AGENCIES AND CONSUMER PROTECTION](#)**, adds certain consumer protections to agency contracts, including information on payment obligations and when contracts are enforceable and can be cancelled. By law, agencies **must** require prospective employees to submit to a comprehensive background check before extending an offer of employment or entering into a contract with a prospective employee. Under the new law, agencies must, within seven calendar days of beginning services, provide the client with a written contract or service plan. This contract or plan must provide conspicuous notice that: (1) the client or his or her representative has the right to request changes or review the contract or plan; (2) the agency's employees must submit to a comprehensive background check; and (3) the agency's records are available for inspection or audit by the Department of Consumer Protection. The law also requires these notices to indicate that: (1) upon request of the client or the client's representatives, the agency must provide written notice that the required comprehensive background check was performed for all agency employees that perform homemaker services for the client; (2) the agency is not able to guarantee the extent to which its services will be covered under any insurance plan; and (3) the client may cancel the contract or plan if it does not contain a specific period of duration. By law, these notice requirements do not apply to agencies servicing clients in the Connecticut Home Care Program for Elders.

This is just a sample of new laws affecting the work of the Department. Go to [this link](#) to find all of the relevant new laws.

### True or False?

Scam calls are random events, and if I fell for a scam once, the chances of my getting scammed a second time are low. **True or False?** **Answer, page 4**



## If Your New Car is a Lemon, Try Lemon-Aid!

After sorting through issues like financing, miles per gallon, and optional features, one of the most satisfying aspects of buying a new car is having safe, reliable, trouble-free transportation, right?

Unfortunately for some car owners, their new vehicles don't measure up to this most basic requirement. For these owners, Connecticut provides a minimal-cost, user friendly forum where the vehicle owner and the manufacturer present their positions to an independent arbitrator, who renders a binding decision based upon the evidence presented. It's a plus for consumers, who could get a refund of the purchase price or a replacement vehicle, if their new vehicle is determined to be a lemon.

"More than 3,000 consumers have taken advantage of this program, and for many, it's made the difference between having a vehicle that lives up to their expectations, or being stuck with an unreliable headache on wheels," Commissioner William M. Rubenstein said. "There's no reason for anyone to be saddled with a lemon in Connecticut."

Applicants pay only a \$50 filing fee, which gets returned if it turns out that the vehicle doesn't qualify for the arbitration program. To qualify, the vehicle must meet the following requirements:

1. The consumer must have bought or leased the vehicle in Connecticut, and it must have a passenger, combination or motorcycle registration;
2. The vehicle's defect must be covered by the manufacturer's written warranty;
3. The same defect must occur four times within the first 24,000 miles or two years, —whichever first occurs — **or** the vehicle must be out of service for repairs more than 30 days during the 24,000 miles/two year time period; and,
4. The manufacturer must have been given a "reasonable opportunity" to repair the defect (This requirement is met if the vehicle has been in for repair four times, or twice in the first twelve months, for a defect that poses a serious risk of death or bodily injury; however, in some situations, based upon the facts, one repair attempt could be sufficient.)

Even a person living in another state is protected by Connecticut's Lemon Law if the above criteria are met.

"If you think that your new vehicle might qualify for the Lemon Law program, start keeping records and notes early on," the commissioner advises. "It's important that you document the defects that occur during the first two years or 24,000 miles that you own the vehicle – whichever comes **first**."

Make an appointment and bring your vehicle to the dealer as soon as you notice a defect covered by the manufacturer's warranty. Don't put it off or just stop by the shop and complain verbally – get written work orders with your specific problems marked down.

Confirm that the technician understands your vehicle's problem and keep a written repair history of all your repair visits.

### True or False? (from page 3)

#### ANSWER:

**The answer is False.** Once a scammer realizes they have found someone vulnerable to being victimized, they are going to continue to try victimizing that person, using one ploy after another until the person refuses to cooperate anymore. The scammer is also likely to sell the victim's name and contact information to other scammers who will likewise try to take advantage of the victim. The best strategy for avoiding future scams is to take a hard line against **any** phishing, email, direct mail or telemarketing attempts – by ignoring them, walking away, or hanging up. Make this a household practice and policy! If a loved one has already fallen victim to a scam, help them pay close attention and stay away from any unsolicited offers that may continue to come their way in the future.



The law says that four repair visits for the same defect is enough opportunity for a vehicle problem to be solved, if it were possible.

If your vehicle qualifies for the Lemon Law, you may represent yourself. If you choose to hire an attorney, you may seek reimbursement for those costs and others, such as modifications or equipment installed after purchase.

Once the hearing has concluded, the arbitrator will render a decision within 10 days.

You may contact the program at 1-800-538-CARS (2277) or email: [dco.lemonlaw@ct.gov](mailto:dco.lemonlaw@ct.gov).