

Highlights of A Landscaper Licensing Bill
Proposed by Connecticut Nursery & Landscape Association
First Draft • January 2011

• **Why A License for Landscapers in Connecticut?** Most landscape contractors are already required to be licensed (registered) as home improvement contractors by the Department of Consumer Protection. CNLA's proposed license *would take the place of* this requirement. The current home improvement requirement does nothing to create high standards for landscapers and give the profession respect equal to electricians, arborists, etc., which have their own license.

• **How the License Would Be Administered.** A state board of landscapers would be created to assist the Commissioner of Consumer Protection in procedures for administering the license, including examinations, best practices, qualifications for the levels of licensing, etc. The Governor would appoint the five-member Board from lists of candidates proposed by "relevant nonprofit trade associations serving the industry". The Commissioner would have legal responsibility to issue regulations for the details of the license.

• **How the License Would Work.** Each company in the state that does at least \$1,000 worth of landscape business annually would be required to get the license. Although each company would be required to hold the landscape contractor license, there would be other *optional* levels of licensing that individuals within the company may want to apply for: Landscape Installer, Landscape Maintenance, Landscape Salesman, and Landscape Designer. [The designer license is important because it would give that aspect of the business a legal status that it currently does not have.] Landscapers would be required to carry a sufficient amount of liability insurance, and display their license number wherever they go. Consumer protection would have the power to suspend a license for bad business practices. The term of the license would be five years.

• **Grandfather Clause.** Landscapers who can prove they have been in the business for three years prior to the start of the licensing, could get the license without having to take an examination.

• **Cost to the State.** The cost to administer the license would be paid for by the licensing and application fees, so there should be no fiscal impact to the state budget. CNLA estimates there are approximately 1,200 companies that would fall under this license.

• **Recertification Required.** Landscapers would be required to take continuing education courses to maintain their license, which would be done by trade associations, colleges, and other industry suppliers.

• **Penalties.** A person or company could face fines of \$500 per day for violating the license requirements.

• **Extended Effective Date.** The law would take effect at least one year or more after passage by the legislature to give the industry time to be educated and prepared for it. The Landscape Examining Board would be started 90 days after passage to start work on exam standards, license standards, etc.

STATE OF CONNECTICUT

Bill No.
Referred to Committee on General Law
Introduced by

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LCO No

General Assembly
January Session, A.D. 2012

AN ACT ESTABLISHING A LICENSE FOR LANDSCAPE PROFESSIONALS

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

Section 1. Title 20 of the Connecticut General Statutes is amended by adding the following new section:

Landscape Contractors. This chapter shall be known and may be cited as the "Landscape Contractor License Act".

Section 2. Definitions. As used in this chapter, "landscape contractor" means any person, partnership, association, limited liability company, or corporation who, for compensation or consideration, engages in business requiring the art, experience, ability, knowledge, science, and skill to (1) install, design, plant, repair, and maintain gardens, lawns, shrubs, vines, bushes, trees (except as provided in Sec. 23-61), and other decorative vegetation, including the grading and preparation of plots and areas of land for decorative treatment and arrangement; (2) construct or install garden pools, fountains, incidental retaining walls, fences, walks, drainage and sprinkler systems; or (3) engage in incidental construction in connection with, or in such a manner that an acceptable landscaping project can be executed. "Landscape contractor" does not include a person, partnership, association, limited liability company, or corporation for whom the total cash price of all of its landscape contracts with all of its customers does not exceed one thousand dollars during any period of twelve consecutive months.

Section 3. Landscape Contractor Examining Board.

(a) There shall be in the Department of Consumer Protection a State Landscape Contractor Examining Board which shall consist of the plant pathologist of the Connecticut Agricultural Experiment Station, the Commissioner of Agriculture (or his designee), and the Commissioner of Environmental Protection (or his designee), who shall serve as ex-officio members, and five licensed, practicing landscape contractors to be appointed by the Governor from among candidates proposed by relevant nonprofit trade associations serving the industry. Any vacancy in the appointed membership of the board shall be filled by the Governor for the unexpired portion of the term.

(b) The board shall have a seal and, in any proceeding in court, a certificate under such seal shall be bona fide evidence of any proceeding or action by or before the board

stated in such certificate. A majority of members acting as a board shall constitute a quorum for the transaction of business.

(c) The Commissioner of Consumer Protection, with the advice and assistance of the board, may adopt such regulations as are necessary for the purpose of giving examinations, issuing and renewing licenses, inspection of work or revocation of licenses, and setting standards for levels of licensure.

Section 4. Landscape Contractor License Required.

(a) No person shall advertise, solicit or contract to perform the functions of a landscape contractor, as defined in this Act, within this state at any time without a license issued in accordance with the provisions of this section. Application for such license shall be made to the Commissioner of Consumer Protection and shall contain such information regarding the applicant's qualifications and proposed operations and other relevant matters as the Commissioner may require and shall be accompanied by a fee of one hundred fifty dollars which shall not be returnable.

(b) Levels of Licensure. Only one license shall be required for each sole proprietorship, corporation, partnership, company, or limited liability company performing the functions of a landscape contractor. Additional persons employed by a landscape contractor may also apply, at their option, for the following levels of licensure under standards set by the Commissioner of Consumer Protection: Landscape Installer, Landscape Maintenance, Landscape Salesman, and Landscape Designer.

(c) The Commissioner shall require the applicant to show upon successful examination that he possesses adequate knowledge concerning the proper methods of a landscape contractor, or of any other levels of licensure under this section. If the Commissioner finds the applicant qualified, he shall issue a license to perform the functions of a landscape contractor within this state. A license shall be valid for a period of five years. If the Commissioner finds that the applicant is not qualified, or if he refuses to issue a license for any other reason, he shall so inform the applicant in writing, giving reasons for such refusal.

(d) The Commissioner of Consumer Protection may waive the requirements for examination for an applicant who furnishes proof, in a form acceptable to the Commissioner, of having practiced the functions of a landscape contractor for a period of three years continuously immediately prior to the effective date of this Act.

(e) The Commissioner may issue a license without examination to any nonresident who is licensed in another state under a law that provides substantially similar qualifications for licensure and which grants similar privileges of licensure without examination to residents of this state licensed under the provisions of this section.

(f) Each licensee shall pay a license renewal fee of one hundred fifty dollars for each renewal.

(g) Each applicant and licensee shall maintain sufficient business liability insurance, as determined by the Commissioner of Consumer Protection, and shall comply with all applicable state and local laws.

(h) Each licensee shall maintain and, upon request, furnish such records concerning licensed activities as the Commissioner may require.

(i) Each licensee shall display or publish his license number on all advertisements, bids, stationery, business cards, and vehicles.

(j) The Commissioner may suspend for not more than ten days and, after notice and hearing as provided in regulations established by the Commissioner, he may suspend for additional periods, or he may revoke, any license issued under this section if he finds that the licensee is no longer qualified or has violated any provision of this Act or of any regulation adopted thereunder.

(k) The Commissioner of Consumer Protection, in consultation with the Board, shall establish standards for examining applicants. Such standards shall provide that in order to be licensed, an individual shall be competent with respect to employing the best practices of landscape contracting.

(l) The Commissioner of Consumer Protection, in consultation with the board, shall establish a system of continuing education requirements for licensees necessary for renewal of licenses under this Act.

(m) No landscape contractor shall be required to register as a home improvement contractor under Sec. 20-420.

Section 5. Penalties. Any person who violates any provision of this Act shall be assessed a civil penalty of not less than five hundred dollars for each day such violation continues. The Attorney General, upon complaint of the Commissioner, shall institute a civil action in Superior Court.

Section 6. Effective Dates.

(a) This Act, except for Section 3, shall take effect October 1, 2012.

(b) Section 3 shall take effect 90 days after enactment. The Governor may appoint unlicensed, practicing landscape contractors to the initial Examining Board.