

Regulation of the  
**Department of Consumer Protection**

Concerning  
**Swimming Pool Builders and Contractors**

Regulations adopted after July 1, 2013, become effective upon posting to the website of the Secretary of the State, or at a later date specified within the regulation.

Website posted on  
**September 20, 2013**

Effective Date  
***September 20, 2013***

Approved by the Attorney General on

Approved by the Legislative Regulation Review  
Committee on

Received and filed in the Office of the  
Secretary of the State on  
**September 10, 2013**

Electronic copy with agency head certification statement  
submitted to the Office of the  
Secretary of the State on  
**September 17, 2013**

Published in the Connecticut Law Journal on

**Purpose and Legal Disclaimer:** This form was designed to facilitate submission of the "statement from the department head" required by CGS 4-172(a) as amended by PA 12-92, Section 6. This form does not constitute legal advice. The Office of the Secretary of the State (SOTS) is not authorized to provide legal advice to state agencies. Consult with your agency's legal counsel before completing and submitting this form for filing

**Instructions:** (1) Save a copy of this document to your computer; (2) To enter data, use the Tab key to move between fields, or click-and-highlight an entire <text field>; (3) When complete, submit to your agency's legal counsel for review and approval; (4) After approval by counsel, PRINT and submit to your agency head for his/her original signature; (5) Scan the originally-signed form and submit it as an email attachment, along with the electronic copy of the regulation that the statement certifies, to [regulations.sots@ct.gov](mailto:regulations.sots@ct.gov); (6) retain the originally-signed copy for your agency's regulation-making record.

*Submit the electronic copy and its certification statement to the Secretary of the State at [regulations.sots@ct.gov](mailto:regulations.sots@ct.gov) concurrently with the paper copy of the original regulation, as required by CGS Section 4-172 as amended.*

## Electronic Copy Certification Statement

I, **William M. Rubenstein**, Commissioner of the Department of Consumer Protection, in accordance with the provisions of Section 4-172 of the *General Statutes of the State of Connecticut*, do hereby certify:

That the electronic copy of a regulation concerning **Swimming Pool Builders and Contractors**, which was approved by the Legislative Regulation Review Committee on **August 27, 2013**, and which shall be submitted electronically for filing to the Secretary of the State by **Tanya Washington** of this agency on **September 17, 2013**, is a true and accurate copy of the original regulation approved in accordance with Sections 4-169 and 4-170 of the *General Statutes of the State of Connecticut*.

In testimony whereof, I have hereunto set my hand on **September 17, 2013**.



(Signature of agency head)

**IMPORTANT:** Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

State of Connecticut  
**REGULATION**  
of

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NAME OF AGENCY

**DEPARTMENT OF CONSUMER PROTECTION**

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Concerning

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SUBJECT MATTER OF REGULATION

**Swimming Pool Builders and Contractors**

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**Section 1.** The Regulations of Connecticut State Agencies are amended by adding Sections 20-340d-1 through 20-340d-3, inclusive, as follows:

(NEW) Sec. 20-340d-1. Application; documentation

(a) Any person seeking a license as a swimming pool builder shall apply to the Commissioner of Consumer Protection on an application form provided by the commissioner. Such application form shall be verified under oath and shall include:

- (1) The applicant's name;
- (2) The applicant's trade name;
- (3) The applicant's business address; and
- (4) Such other information as the commissioner may require in determining the qualifications of an applicant.

(b) Prior to January 1, 2014, each application for licensure shall be accompanied by:

- (1) References from at least one trade-related business and at least one financial institution sufficient to verify the existence of an established business;
- (2) Submission of: (A) satisfactory evidence that the applicant has obtained a home improvement contractor registration pursuant to the provisions of chapter 400 of the Connecticut General Statutes, or that the applicant works for an employer that has obtained such registration, and (B) a written statement that the applicant shall not build a swimming pool without holding such current home improvement contractor registration or working for an employer that holds a current registration;
- (3) A certificate of good standing less than thirty (30) days old from the Secretary of the State, if the applicant is a corporation, limited liability company or limited liability partnership;
- (4) A certificate of good standing from the state in which it is incorporated or organized, as well as a certificate of good standing less than thirty (30) days old from the Secretary of the State, if the applicant is a foreign corporation, limited liability company or limited liability partnership;
- (5) A certified copy of a trade name certificate from the town in which the business is primarily conducted, in accordance with section 35-1 of the Connecticut General Statutes;
- (6) Three current references from qualified persons attesting to the applicant's familiarity with the knowledge, skills and abilities relating to the performance of the swimming pool builder services; and
- (7) A list of at least seven (7) swimming pool installations completed by the applicant in the past seven (7) years; except that if the applicant has obtained the designation entitled "Certified

Building Professional” from the trade association “Association of Pool & Spa Professionals” or equivalent education and experience to be determined by the Commissioner of Consumer Protection, then a list of five (5) swimming pool installations completed by the applicant in the past five (5) years. Each swimming pool installation listed shall contain the address of the swimming pool installation, a brief description of the work performed by the applicant, and the date of completion.

(c) On or after January 1, 2014 each application for licensure shall be accompanied by:

(1) Proof of five (5) years experience under the supervision of a licensed swimming pool builder, or equivalent experience as determined by the Commissioner of Consumer Protection;

(2) Submission of (A) satisfactory evidence that the applicant has obtained such home improvement contractor registration pursuant to the provisions of chapter 400 of the Connecticut General Statutes, or that the applicant works for an employer that has obtained such registration, and (B) a written statement that the applicant shall not build a swimming pool without holding a current home improvement contractor registration or working for an employer that holds a current registration;

(3) Proof that the applicant has obtained the designation entitled “Certified Building Professional” from the trade association “Association of Pool & Spa Professionals” or equivalent education and experience to be determined by the Commissioner of Consumer Protection; and

(4) Proof that the applicant has passed an examination conducted by the Department.

(NEW) Sec. 20-340d-2. Contracting standards

Each contract with a consumer for work as a swimming pool builder, as defined in section 20-340d(a) of the Connecticut General Statutes, shall be entered into by the holder of a swimming pool builder license issued pursuant to chapter 393 of the Connecticut General Statutes. Such license holder shall also hold a home improvement contractor registration issued pursuant to Chapter 400 of the Connecticut General Statutes.

(NEW) Sec. 20-340d-3. Continuing education

(a) Continuing education for the swimming pool builder license shall consist of not less than three (3) hours of technical instruction and one (1) hour of business and law instruction, to be completed every year, or as determined by the Commissioner of Consumer Protection, as a requirement of license renewal.

(b) Providers of continuing education instruction shall obtain curriculum approval from the Department prior to offering each continuing education course for credit.

**Sec. 2.** Section 20-417aa-1 of the Regulations of Connecticut State Agencies is amended as follows:

Sec. 20-417aa-1. Limited swimming pool contractor licenses

(a) Limited swimming pool maintenance and repair contractor’s license (SP-1). The holder of this license may perform [all plumbing, heating and electrical work necessary to service, modify or repair any swimming pool, hot tub, spa or similar recreational or therapeutic equipment, where such work commences at an outlet, receptacle, connection, back flow preventor, or fuel supply pipe previously installed by a person holding the proper license] swimming pool maintenance and repair work as defined in section 20-417aa of the Connecticut General Statutes. The requirements to qualify for this license exam shall be two (2) years as a properly licensed journeyman or equivalent experience and training.

(b) Limited swimming pool maintenance and repair journeyman's license (SP-2). The holder of this license may perform [all plumbing, heating and electrical work necessary to service, modify or repair any swimming pool, hot tub, spa or similar recreational or therapeutic equipment where such work commences at an outlet, receptacle, connection, back flow preventor, or fuel supply pipe previously installed by a person holding the proper license] swimming pool maintenance and repair work as defined in section 20-417aa of the Connecticut General Statutes, and only while the licensee is in the employ of a [plumbing] contractor properly licensed [for] to perform such work. The requirements to qualify for this license exam shall be the completion of a bona fide apprenticeship program or equivalent experience and training.

## **Statement of Purpose**

*Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation."*

(A) **Purpose:**

Section 1 of these proposed regulations implements Public Act 2011-81 (section 1), codified as Conn. Gen. Stat. section 20-340d, which created a new category of occupational trade licenses for those engaged in the installation of swimming pools. The regulation specifies the details and standards by which a person may obtain this new license from the Department of Consumer Protection, incorporates the Home Improvement Act for entering into consumer contracts, and provides for continuing education requirements.

Section 2 of the regulation incorporates the changes made by Public Acts 2008-44 and 2011-81 and minor language changes into current regulation section 20-417aa-1, related to "Swimming Pool Contractor" license types SP-1 and SP-2. These existing license categories exist pursuant to Conn. Gen. Stat. chapter 399b.

- (B) **Summary:** The methods for obtaining each of the new licenses for swimming pool installers are described in these proposed regulations. On or after January 1, 2014, an examination will be required to obtain licensure, and continuing education will be required to maintain licensure, similar to the other occupational trade licenses issued by the Department such as those found within chapter 393 of the Connecticut General Statutes and the corresponding regulations. The existing SP-1 and SP-2 license types are being modified to remain current with the underlying statute, as well as adding continuing education requirements and making minor tweaks.
- (C) **Legal Effects:** These proposed regulations implement Section One of Public Act 2011-81 by allowing the Department of Consumer Protection to issue new trade licenses for those engaged in the installation of swimming pools. Continuing education requirements are being implemented for the "Swimming Pool Contractor" license types found within chapter 399b, along with conforming those license types to the latest version of the underlying statute, section 20-417aa.

R-39 Rev. 03/2012  
(Certification page—see Instructions on back)

### CERTIFICATION

*This certification statement must be completed in full, including items 3 and 4, if they are applicable.*

- 1) I hereby certify that the above (check one)  Regulations  Emergency Regulations
- 2) are (check all that apply)  adopted  amended  repealed **by this agency pursuant to the following authority(ies):** (complete all that apply)
- a. *Connecticut General Statutes* section(s) 4-168; 20-340d; and 20-417aa.
- b. Public Act Number(s) \_\_\_\_\_.  
(Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)
- 3) **And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the Connecticut Law Journal on** \_\_; (Insert date of notice publication if publication was required by CGS Section 4-168.)
- 4) **And that a public hearing regarding the proposed regulations was held on** \_\_\_\_; (Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)
- 5) **And that said regulations are EFFECTIVE** (check one, and complete as applicable)
- When filed with the Secretary of the State
- OR  on (insert date) \_\_\_\_\_

DATE	SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED Commissioner Department of Consumer Protection
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**APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended**

DATE	SIGNED (Attorney General or AG's designated representative)	OFFICIAL TITLE, DULY AUTHORIZED
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*Proposed regulations are DEEMED APPROVED by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.*

*(For Regulation Review Committee Use ONLY)*

- Approved  Rejected without prejudice
- Approved with technical corrections  Disapproved in part, (Indicate Section Numbers disapproved only)
- Deemed approved pursuant to CGS Section 4-170(c)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED (Administrator, Legislative Regulation Review Committee)
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**Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.**

DATE	SIGNED (Secretary of the State)	BY
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*(For Secretary of the State Use ONLY)*

**GENERAL INSTRUCTIONS**

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for his/her determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Sections 4-168 and 4-170 as amended by Public Act 11-150, Sections 18 and 19.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in brackets [ ]. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The Certification Statement portion of the form must be completed, including all applicable information regarding *Connecticut Law Journal* notice publication date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/>.
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at [http://www.cga.ct.gov/lco/pdfs/Regulations\\_Drafting\\_Manual.pdf](http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf).

**CERTIFICATION STATEMENT INSTRUCTIONS**

*(Numbers below correspond to the numbered sections of the statement)*

1. Indicate whether the regulation is a regular or an emergency regulation adopted under the provisions of CGS Section 4-168(f).
2.
  - a) Indicate whether the regulations contains newly adopted sections, amendments to existing sections, and/or repeals existing sections. Check all cases that apply.
  - b) Indicate the specific legal authority that authorizes or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
3. Except for emergency regulations adopted under CGS 4-168(f), and technical amendments to an existing regulation adopted under CGS 4-168(g), an agency must publish notice of its intent to adopt a regulation in the *Connecticut Law Journal*. Enter the date of notice publication.
4. CGS Section 4-168(a)(7) prescribes requirements for the holding of an agency public hearing regarding proposed regulations. Enter the date(s) of the hearing(s) held under that section, if any; also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law.
5. As applicable, enter the effective date of the regulation here, or indicate that it is effective upon filing with the Secretary of the State. Please note the information below.

Regulations are effective upon filing with the Secretary of the State or at a later specified date. See CGS Section 4-172(b) which provides that each regulation is effective upon filing, or, if a later date is required by statute or specified in the regulation, the later date is the effective date. An effective date may not precede the effective date of the public act requiring or permitting the regulation. Emergency regulations are effective immediately upon filing with the Secretary of the State, or at a stated date less than twenty days thereafter.