

CHAPTER 392*

REAL ESTATE BROKERS AND SALESPERSONS

*See chapter 400g re real estate appraisers and appraisal management companies.

See Sec. 21a-9 for definitions of “certificate”, “license” and “registration”.

Constitutionality of chapter discussed. 142 C. 699; 144 C. 647. A broker earns his commission in a real estate transaction when he procures a customer who is ready, willing and able to purchase upon terms prescribed or accepted by the seller; when the agency is not an exclusive one, the broker's efforts must be the predominating producing cause of the sale. 150 C. 59.

Cited. 13 CA 527; 14 CA 46.

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Sec. 20-311. Definitions. As used in this chapter, unless the context otherwise requires:

(1) "Real estate broker" or "broker" means (A) any person, partnership, association, limited liability company or corporation which acts for another person or entity and for a fee, commission or other valuable consideration, lists for sale, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale, exchange, purchase or rental of, an estate or interest in real estate, or a resale of a mobile manufactured home, as defined in subdivision (1) of section 21-64, or collects or offers or attempts to collect rent for the use of real estate, and (B) any person, partnership, association, limited liability company or corporation employed by or on behalf of the owner or owners of lots or other parcels of real estate, at a stated salary, upon commission, upon a salary and commission basis or otherwise to sell such real estate, or any parts thereof, in lots or other parcels, and who sells or exchanges, or offers, attempts or agrees to negotiate the sale or exchange of, any such lot or parcel of real estate;

(2) "Real estate salesperson" or "salesperson" means a person affiliated with any real estate broker as an independent contractor or employed by a real estate broker to list for sale, sell or offer for sale, to buy or offer to buy or to negotiate the purchase or sale or exchange of real estate, or to offer for resale, a mobile manufactured home, as defined in subdivision (1) of section 21-64, or to lease or rent or offer to lease, rent or place for rent any real estate, or to collect or offer or attempt to collect rent for the use of real estate for or on behalf of such real estate broker, or who offers, sells or attempts to sell the real estate or mobile manufactured homes of a licensed broker, or acting for another as a designated seller agent or designated buyer agent, lists for sale, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale, exchange, purchase or rental of, an estate or interest in real estate, or a resale of a mobile manufactured home, as defined in subsection (a) of section 21-64, or collects or offers or attempts to collect rent for the use of real estate, but does not include employees of any real estate broker whose principal occupation is clerical work in an office, or janitors or custodians engaged principally in that occupation;

(3) "Engaging in the real estate business" means acting for another and for a fee, commission or other valuable consideration in the listing for sale, selling, exchanging, buying or renting, or offering or attempting to negotiate a sale, exchange, purchase or rental of, an estate or interest in real estate or a resale of a mobile manufactured home, as defined in subdivision (1) of section 21-64, or collecting upon a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real

estate;

(4) “Person” means any individual, partnership, association, limited liability company or corporation;

(5) “Commission” means the Connecticut Real Estate Commission appointed under the provisions of section 20-311a;

(6) “Designated agency” means the appointment by a real estate broker of one or more brokers or salespersons affiliated with or employed by the real estate broker to solely represent a buyer or tenant as a designated buyer’s agent and appoint another to represent a seller or landlord as a designated seller’s agent in a transaction;

(7) “Designated buyer agent” means a broker or salesperson designated by the real estate broker with whom the broker or salesperson is affiliated or employed to solely represent a named buyer or tenant client of the real estate broker during the term of a buyer representation agreement or authorization;

(8) “Designated seller agent” means a broker or salesperson designated by the real estate broker with whom the broker or salesperson is affiliated or employed to solely represent a named seller or landlord client of the real estate broker during the term of a listing agreement or authorization; and

(9) “Commercial real estate transaction” means any transaction involving the sale, exchange, lease or sublease of real property other than real property containing any building or structure occupied or intended to be occupied by no more than four families or a single building lot to be used for family or household purposes.

(1953, 1955, S. 2339d; 1967, P.A. 460, S. 7; P.A. 73-163, S. 1; P.A. 78-147, S. 1; P.A. 81-142; P.A. 82-472, S. 88, 183; June Sp. Sess. P.A. 83-3, S. 1; P.A. 87-260, S. 1; P.A. 88-329, S. 1, 15; P.A. 89-347, S. 8; P.A. 90-332, S. 1, 32; P.A. 91-229, S. 1, 19; P.A. 93-354, S. 1, 54; P.A. 94-36, S. 41, 42; P.A. 95-79, S. 65, 189; P.A. 96-200, S. 2; P.A. 98-10, S. 1; P.A. 99-229, S. 1; P.A. 00-160, S. 1.)

History: 1967 act updated statute to delete definition for insurance commissioner in Subsec. (e) and substituted real estate commission to which his duties and powers re real estate brokers and salesmen were transferred; P.A. 73-163 specified real estate broker as one who lists property “with a referral service” in Subsec. (a); P.A. 78-147 redefined real estate salesman to include persons “affiliated with any real estate broker as an independent contractor”; P.A. 81-142 added references to sales of mobile homes in definitions; P.A. 82-472 replaced alphabetic Subdiv. indicators with numeric indicators; June Sp. Sess. P.A. 83-3 changed references in Subdivs. (1), (2) and (3) to mobile home or homes to references to mobile manufactured home or homes; P.A. 87-260 amended the definition of “real estate broker” to delete provision including within said definition any person who engages in the business, for a fee, in connection with a contract whereby he undertakes to promote the sale of real estate through listing such property with a referral service or in certain publications, amended the definition of “real estate salesman” to delete provision including within said definition any person who in behalf of a real estate broker solicits contracts undertaking the promotion of the sale of real estate through listing such property in certain publications, and amended the definition of “engaging in the real estate business” to delete provision including within said definition engaging in the business, for a fee, in connection with any contract whereby any person undertakes to promote the sale of real estate through listing such property in certain publications; P.A. 88-329 inserted new Subdivs. (4) to (8), inclusive, defining “real estate appraiser”, “residential appraiser”, “engaging in the real estate appraisal business” and “engaging in the residential appraisal business”, renumbering existing

Subdivs. as necessary, effective July 1, 1989; P.A. 89-347 amended the definitions of “real estate broker”, “real estate salesman” and “engaging in the real estate business” by deleting the references to offering or attempting negotiate loans; P.A. 90-332 added new Subdiv. (5), defining “real estate appraiser trainee”, inserted new Subdivs. (10) to (14), inclusive, defining “appraisal foundation”, “certification”, “federally related transaction”, “general certification” and “residential certification”, and renumbered the remaining Subdivs. as necessary; P.A. 91-229 amended the definition of “real estate appraiser” to include licensure and certification, deleted the reference to “residential appraiser” under “real estate appraiser trainee”, deleted the definition of “residential appraiser” and added the definitions of “licensed appraiser”, “certified appraiser”, “FDIC” and “FIRREA”, deleted references to “engaging in the residential appraisal business”, “certification”, “general certification” and “residential certification”, made technical corrections and relettered the remaining Subsecs.; P.A. 93-354 deleted former Subdivs. (4) to (8), inclusive, and (10) to (13), inclusive, which had defined terms applicable to real estate appraisal, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 95-79 redefined “real estate broker” and “person” to include a limited liability company, effective May 31, 1995; P.A. 96-200 substituted “salesperson” for “salesman” in Subdiv. (2); P.A. 98-10 defined “commission” and made technical changes; P.A. 99-229 amended definition of “real estate broker” or “broker” to substitute “any person, partnership, association, limited liability company or corporation which acts for another person or entity ...” for “any person, partnership, association, limited liability company or corporation which, for another ...”, amended definition of “real estate salesperson” or “salesperson” to reference actions for another as a designated seller agent or designated buyer agent, and added definitions of “designated agency”, “designated buyer agent” and “designated seller agent”; P.A. 00-160 added new Subdiv. (9) defining “commercial real estate transaction”.

Constitutionality discussed. 142 C. 699. When Probate Court directs a private sale, Superior Court can only determine whether its discretion has been reasonably and legally exercised. 143 C. 716. Those portions of section classifying one listing property in publication for promotion of sales or referral of information to licensed real estate brokers as engaged in real estate business, held unconstitutional. 144 C. 659. Cited. 169 C. 445; 184 C. 228; 218 C. 396.

Cited. 3 CA 675; 34 CA 250.

Cited. 35 CS 24.

Rights and duties of broker employed to secure loan depend on same principles as when employed to find purchaser of property. 5 Conn. Cir. Ct. 415.

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Sec. 20-311a. Real Estate Commission. (a) There is created in the Department of Consumer Protection the Connecticut Real Estate Commission.

(b) The commission shall consist of eight persons, electors of the state, appointed by the Governor. Three of the members shall be at the time of appointment licensed real estate brokers, two of the members shall be at the time of appointment licensed real estate salespersons and three of the members shall be public members. Not more than a bare majority of the commission shall be members of the same political party and there shall be at least one member from each congressional district.

(c) The members of the commission shall serve until the expiration of the term for which they were appointed and until their successors have qualified. Members shall not be compensated for their services but shall be reimbursed for necessary expenses incurred in the performance of their duties. The Governor may remove any member for cause upon notice and an opportunity to be heard. Upon the death, resignation or removal of a member, the Governor shall appoint a successor to serve for the unexpired portion of the vacated term and until such member's successor is appointed and qualifies. Each member shall, before entering upon his duties, take and file with the commission an oath to faithfully perform the duties of his office.

(1967, P.A. 460, S. 1; P.A. 77-614, S. 220, 610; Nov. Sp. Sess. P.A. 81-11, S. 10, 19; P.A. 82-422, S. 4, 14; P.A. 88-329, S. 2, 15; P.A. 89-249, S. 1, 2; P.A. 90-332, S. 2, 32; P.A. 91-229, S. 2, 19; P.A. 93-354, S. 2, 54; P.A. 94-36, S. 41, 42; P.A. 96-200, S. 3; P.A. 98-10, S. 2; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.)

History: P.A. 77-614 placed real estate commission within consumer protection department, changed membership requirement that four members be real estate brokers so that three members are brokers and two are public members and deleted provision establishing 5-year terms, effective January 1, 1979; Nov. Sp. Sess. P.A. 81-11 added provision specifying that members receive no compensation but are to be reimbursed for expenses incurred in performing their duties; P.A. 82-422 increased commission membership from five to seven members, deleted 10 years' experience requirement, and added requirement that one member be a licensed real estate broker and one a licensed real estate salesman; P.A. 88-329 increased the size of the commission from seven to twelve persons, providing for members engaged in the real estate appraisal and residential appraisal business and adding an additional public member, effective July 1, 1989; P.A. 89-249 increased to four the number of members who may reside in the same congressional district and required that each district be represented by at least one member; P.A. 90-332 added provisions creating real estate appraisal commission and decreased the number of real estate commission members from twelve to eight, increased the number of real estate salesmen on the real estate commission from one to two and added a provision for three public members to sit on the real estate commission; P.A. 91-229 eliminated the reference to residential appraisers and added references to real estate appraisers and certified appraisers; P.A. 93-354 deleted former Subsec. (c) re real estate commission and references to the commission in remaining Subsecs., relettering former Subsec. (d) as (c), effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 96-200 amended Subsec. (b) to substitute "salespersons" for "salesmen"; P.A. 98-10 made technical changes; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

See Sec. 4-9a for definition of "public member".

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Sec. 20-311b. Duties of commission. (a) Within thirty days after the appointment of the members of the commission, the commission shall meet in the city of Hartford for the purpose of organizing by selecting such officers other than a chairperson as the commission may deem necessary and appropriate. A majority of the members of the commission shall constitute a quorum for the exercise

of the powers or authority conferred upon it.

(b) (1) The commission shall authorize the Department of Consumer Protection to issue licenses to real estate brokers and real estate salespersons. The commission shall receive and approve applications for real estate student intern programs pursuant to the provisions of section 20-314c.

(2) The commission shall administer the provisions of this chapter as to licensure and issuance, renewal, suspension or revocation of licenses concerning the real estate business.

(c) The commission shall be provided with the necessary office space in Hartford by the Commissioner of Administrative Services. The place of business of the commission and all files, records and property of the commission shall at all times be and remain at such office, except that inactive files shall be stored at a location designated by the commission.

(d) The commission shall hold meetings and hearings in Hartford, in space provided by the Commissioner of Administrative Services, or at such places outside of Hartford as shall be determined by the chairman of the commission. The commission shall meet at least once in each three-month period and may meet more often at the call of its chairman. The chairman of the commission shall call a meeting of the commission whenever requested to do so by a majority of the members of the commission.

(e) The commission shall vote on all matters requiring a decision and votes shall be recorded in the commission's minutes.

(1967, P.A. 460, S. 2; P.A. 77-89; 77-614, S. 73, 610; P.A. 79-74, S. 2; P.A. 81-361, S. 18, 39; P.A. 82-422, S. 5, 14; P.A. 87-496, S. 88, 110; P.A. 88-329, S. 3, 15; P.A. 90-332, S. 3, 32; P.A. 91-229, S. 3, 19; P.A. 93-354, S. 3, 54; P.A. 94-36, S. 41, 42; P.A. 96-200, S. 4; P.A. 98-10, S. 3; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 11-51, S. 44.)

History: P.A. 77-89 amended Subsec. (c) to add exception re storage of inactive files; P.A. 77-614 replaced public works commissioner with commissioner of administrative services; P.A. 79-74 gave commission power to receive and approve applications for real estate student intern programs; P.A. 81-361 amended Subsec. (b) to allow the department to issue licenses upon commission's authorization on and after July 1, 1981, and to delete provision empowering commission to do all things necessary or convenient for carrying into effect the chapter's provisions; P.A. 82-422 amended section to provide for meetings upon request of a majority of commission members, rather than upon request of two or more members, and to require recorded votes on all matters requiring a decision in new Subsec. (e); P.A. 87-496 substituted "public works" for "administrative services" commissioner in Subsec. (c); P.A. 88-329 amended Subsec. (a) and inserted a new Subsec. (c) establishing quorum requirements for matters concerning the licensing of real estate brokers and salesmen and matters concerning the licensing of real estate appraisers and residential appraisers, amended Subsec. (b) empowering the commission to authorize the department of consumer protection to issue licenses to real estate appraisers and residential appraisers, and relettered existing Subsecs. as necessary, effective July 1, 1989; P.A. 90-332 established the duties for each commission re meetings, majority necessary for a quorum, certification, licensing procedures, office space, record-keeping, and filing; P.A. 91-229 amended Subsec. (b) by eliminating the references to residential appraisers and general and residential certification for appraisers and all other references to the real estate appraisal commission and added a new Subsec. (c) re licensure and certification for real estate appraisers; P.A. 93-354 deleted Subsec. (c) re licensing authority of real estate appraisal commission, relettering remaining Subsecs. as

necessary, and deleted references to the commission elsewhere in the section, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 96-200 amended Subsec. (b) to substitute “salespersons” for “salesmen”; P.A. 98-10 made technical changes; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; pursuant to P.A. 11-51, “Commissioner of Public Works” was changed editorially by the Revisors to “Commissioner of Administrative Services” in Subsec. (c), effective July 1, 2011.

See chapter 826 re real estate syndicates.

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Sec. 20-311c. Executive director. Expenses of commission members. Records. Section 20-311c is repealed.

(1967, P.A. 460, S. 3; 1971, P.A. 718, S. 1; P.A. 77-614, S. 128, 221, 610; P.A. 80-205, S. 5.)

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Sec. 20-311d. Bond for chairperson. The chairperson of the commission shall be bonded under the provisions of section 4-20, in such sum as the State Insurance and Risk Management Board may prescribe, with the condition that the chairperson faithfully perform the duties of the office and account for all funds received pursuant to the office.

(1967, P.A. 460, S. 4; P.A. 77-614, S. 222, 610; P.A. 90-332, S. 4, 32; P.A. 93-354, S. 4, 54; P.A. 94-36, S. 41, 42; P.A. 98-10, S. 4; P.A. 99-51, S. 7, 9; 99-145, S. 20, 23.)

History: P.A. 77-614 deleted requirement that executive director be bonded, effective January 1, 1979; P.A. 90-332 required the chairmen of the real estate commission and the real estate appraisal commission to each be bonded; P.A. 93-354 made technical change in keeping with separation of statutory provisions concerning the real estate commission and the real estate appraisal commission, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 98-10 made technical changes; P.A. 99-51 substituted “State Insurance and Risk Management Board” for “State Insurance Purchasing Board”, substituted “chairperson” for “chairman” and substituted “the office” for “his office” and “such office”, effective May 27, 1999; P.A. 99-145 reiterated board name change, effective June 8, 1999.

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Sec. 20-311e. Deposit of fees. The commission shall deposit all moneys received by it from fees in accordance with the provisions of this chapter with the State Treasurer, and they shall, except as to that portion thereof required to be paid over to The University of Connecticut under the provisions of section 10a-125, or that portion required to be paid to the Real Estate Guaranty Fund pursuant to this chapter, become part of the General Fund.

(1967, P.A. 460, S. 5; P.A. 90-332, S. 5, 32; P.A. 93-354, S. 5, 54; P.A. 94-36, S. 41, 42; P.A. 99-231, S. 6, 7.)

History: P.A. 90-332 required the real estate commission and the real estate appraisal commission to deposit moneys received in a manner consistent with the statutory authority of Sec. 4-20; P.A. 93-354 made technical change in keeping with separation of statutory provisions concerning the real estate commission and the real estate appraisal commission, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 99-231 added provision re portion required to be paid to Real Estate Guaranty Fund, effective June 29, 1999.

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Sec. 20-311f. Arbitration of disputes between brokers or salespersons. The commission shall have the power to act as a board of arbitration to consider and decide any dispute over commissions arising between brokers or salespersons that is voluntarily submitted to the commission by the parties to such dispute.

(1967, P.A. 460, S. 6; P.A. 96-200, S. 5; P.A. 98-10, S. 5.)

History: P.A. 96-200 substituted “salespersons” for “salesmen”; P.A. 98-10 made technical changes.

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Sec. 20-312. Licensing. (a) No person shall act as a real estate broker or real estate salesperson without a license issued by the commission, unless exempt under this chapter. The Commissioner of Consumer Protection may enter into any contract for the purpose of administratively processing the renewal of licenses on behalf of the commission.

(b) The practice of or the offer to practice real estate brokerage business in this state by individual licensed real estate brokers or real estate salespersons as a corporation, limited liability company or partnership, a material part of the business of which includes real estate brokerage, is permitted, provided (1) the personnel of such corporation, limited liability company or partnership who engage in the real estate brokerage business as real estate brokers or real estate salespersons, and the real estate brokers whose ownership, control, membership or partnership interest is credited toward the requirements of subdivision (3) of this subsection, are licensed or exempt from licensure under this chapter, (2) the corporation, limited liability company or partnership has been issued a real estate broker license by the commission as provided in this section and has paid the license or renewal fee required for a real estate broker’s license as set forth in section 20-314, and (3) except for a publicly traded corporation (A) with respect to a corporation other than a nonstock corporation, one or more real estate brokers own or control fifty-one per cent or more of the total issued shares of the corporation, (B) with respect to a nonstock corporation, one or more real estate brokers constitute at least fifty-one per cent of the members of the nonstock corporation, (C) with respect to a limited liability company, one or more real estate brokers own or control at least fifty-one per cent of the interest in the limited liability company, as defined in section 34-101, or (D) with respect to a partnership, one or more real estate brokers’ partnership interest, as defined in section 34-301, constitutes at least fifty-one per cent of the total partnership interest. No such corporation, limited liability company or partnership shall be relieved of responsibility for the conduct or acts of its agents,

employees or officers by reason of its compliance with this section, nor shall any individual practicing real estate brokerage be relieved of responsibility for real estate services performed by reason of the individual's employment or relationship with such corporation, limited liability company or partnership. The Real Estate Commission may refuse to authorize the issuance or renewal of a license if any facts exist that would entitle the commission to suspend or revoke an existing license.

(c) A corporation, limited liability company or partnership desiring a real estate broker license shall file with the commission an application on such forms and in such manner as prescribed by the Department of Consumer Protection. Each such corporation, limited liability company or partnership shall file with the commission a designation of at least one individual licensed as a real estate broker in this state who shall be in charge of the real estate brokerage business of such corporation, limited liability company or partnership in this state. Such corporation, limited liability company or partnership shall notify the commission of any change in such designation not later than thirty days after such change becomes effective.

(d) The Real Estate Commission may impose a fine of not more than one thousand dollars on any corporation, limited liability company or partnership that engages in real estate business without a license required by this section.

(1953, S. 2341d; P.A. 78-147, S. 2; P.A. 88-329, S. 4, 15; P.A. 90-332, S. 6, 32; P.A. 91-229, S. 4, 19; P.A. 93-354, S. 6, 54; P.A. 94-36, S. 41, 42; P.A. 95-198, S. 1; P.A. 96-200, S. 6; P.A. 98-10, S. 6; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1; P.A. 05-115, S. 1.)

History: P.A. 78-147 required that all salesmen affiliated as independent contractors with partnerships, firms, etc. be licensed before license granted to the partnership, firm, etc.; P.A. 88-329 required real estate appraisers and residential appraisers to be licensed, and established requirements for the licensing of partnerships, associations and corporations engaged in the real estate appraisal and residential appraisal business, effective July 1, 1989; P.A. 90-332 added a provision for certification to the licensing requirement for the real estate appraisal commission; P.A. 91-229 in Subsec. (a) deleted the reference to "residential appraiser", in Subsec. (c) deleted the reference to "is certified" and substituted "certification" and deleted Subsec. (d) which had required individuals in partnership, association or corporation to be licensed as a condition for licensure of any partnership, association or corporation to engage in residential appraisal business; P.A. 93-354 deleted Subsec. (c) which had required that all members and officers of real estate appraisal business hold license or certificate before the business itself could be granted a license and deleted references elsewhere in the section to real estate appraisers, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 95-158 added a provision to allow the Commissioner of Consumer Protection to enter into a contract to administratively process the renewal of licenses on behalf of the Real Estate Commission; P.A. 96-200 substituted "salesperson" for "salesman"; P.A. 98-10 made technical changes in Subsec. (a); June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 05-115 replaced former provisions of Subsec. (b) with new provisions re practice as a corporation, limited liability company or partnership, and added new Subsecs. (c) and (d) re applications for licensure and re penalties for engaging in real estate business without a license, respectively.

See Sec. 42-103gg re license requirements for sales agents offering a time share interest.

Constitutional. 142 C. 699. Cited. 144 C. 647; 218 C. 396.

Cited. 5 CA 76; 36 CA 653.

Cited. 26 CS 195; 38 CS 509.

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Sec. 20-312a. Liability of brokers for salespersons affiliated as independent contractors. In any action brought by a third party against a real estate salesperson affiliated with a real estate broker as an independent contractor, such broker shall be liable to the same extent as if such affiliate had been employed as a real estate salesperson by such broker.

(P.A. 78-147, S. 3; P.A. 96-200, S. 7.)

History: P.A. 96-200 substituted “salesperson” for “salesman”.

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Sec. 20-312b. Licensed real estate broker or real estate salesperson not deemed “employee” under section 31-275. A licensed real estate broker or real estate salesperson shall not be considered an employee under the provisions of section 31-275 if substantially all of the remuneration for the services performed by such broker or salesperson, whether paid in cash or otherwise, is directly related to sales or other output rather than to the number of hours worked, and such services are performed by the broker or salesperson pursuant to a written contract that contains the following provisions:

- (1) The broker or salesperson, for purposes of workers’ compensation, is engaged as an independent contractor associated with the person for whom services are performed;
- (2) The broker or salesperson shall be paid a commission based on his gross sales, if any, without deduction for taxes, which commission shall be directly related to sales or other output;
- (3) The broker or salesperson shall not receive any remuneration related to the number of hours worked and shall not be treated as an employee with respect to such services for purposes of workers’ compensation;
- (4) The broker or salesperson shall be permitted to work any hours he chooses;
- (5) The broker or salesperson shall be permitted to work out of his own home or the office of the person for whom services are performed;
- (6) The broker or salesperson shall be free to engage in outside employment;
- (7) The person for whom the services are performed may provide office facilities and supplies for the use of the broker or salesperson, but the broker or salesperson shall otherwise pay his own expenses, including, but not limited to, automobile, travel and entertainment expenses; and

(8) The contract may be terminated by either party at any time upon notice given to the other.

(P.A. 91-364; P.A. 93-354, S. 7, 54; P.A. 94-36, S. 41, 42; P.A. 96-200, S. 8.)

History: P.A. 93-354 deleted references to real estate appraisers throughout section, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 96-200 substituted “salesperson” for “salesman”.

Cited. 231 C. 690.

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Sec. 20-313. Application for license. Any person possessing the qualifications prescribed in this chapter, and in any regulations adopted under this chapter, who desires to engage in the real estate business shall make application, in writing, as provided in this chapter, to the commission for the specific license desired.

(1953, S. 2342d; P.A. 88-329, S. 5, 15; P.A. 91-229, S. 5, 19; P.A. 93-354, S. 8, 54; P.A. 94-36, S. 41, 42; P.A. 98-10, S. 7.)

History: P.A. 88-329 required an application to the commission for a license to engage in the real estate appraisal business or the residential appraisal business, effective July 1, 1989; P.A. 91-229 eliminated the reference to “the residential appraisal business” and required an application to the appropriate commission for the specific license or certification to engage in the real estate business or the real estate appraisal business; P.A. 93-354 deleted references to real estate appraisal, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 98-10 made technical changes.

Cited. 144 C. 647; 218 C. 396.

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Sec. 20-314. License qualifications. Examinations. Renewals. Fees. Reinstatement. Hearings. (a) Licenses shall be granted under this chapter only to persons who bear a good reputation for honesty, truthfulness and fair dealing and who are competent to transact the business of a real estate broker or real estate salesperson in such manner as to safeguard the interests of the public.

(b) Each application for a license or for a renewal thereof shall be made in writing, on such forms and in such manner as is prescribed by the Department of Consumer Protection and accompanied by such evidence in support of such application as is prescribed by the commission. The commission may require such information with regard to an applicant as the commission deems desirable, with due regard to the paramount interests of the public, as to the honesty, truthfulness, integrity and competency of the applicant and, where the applicant is a corporation, association or partnership, as to the honesty, truthfulness, integrity and competency of the officers of such corporation or the members of such association or partnership.

(c) In order to determine the competency of any applicant for a real estate broker’s license or a real

estate salesperson's license the commission shall, on payment to the commission of an application fee of one hundred twenty dollars by an applicant for a real estate broker's license or on payment to the commission of an application fee of eighty dollars by an applicant for a real estate salesperson's license, subject such applicant to personal written examination as to the applicant's competency to act as a real estate broker or real estate salesperson, as the case may be. Such examination shall be prepared by the Department of Consumer Protection or by a national testing service designated by the Commissioner of Consumer Protection and shall be administered to applicants by the Department of Consumer Protection or by such testing service at such times and places as the commissioner may deem necessary. The commission may waive the uniform portion of the written examination requirement in the case of an applicant who has taken the national testing service examination in another state within two years from the date of application and has received a score deemed satisfactory by the commission. The Commissioner of Consumer Protection shall adopt regulations, in accordance with chapter 54, establishing passing scores for examinations. In addition to such application fee, applicants taking the examination administered by a national testing service shall be required to pay directly to such testing service an examination fee covering the cost of such examination. Each payment of such application fee shall entitle the applicant to take such examination within the one-year period from the date of payment.

(d) (1) Each applicant for a real estate broker's license shall, before being admitted to such examination, prove to the satisfaction of the commission: (A) (i) That the applicant has been actively engaged for at least two years as a licensed real estate salesperson under the supervision of a licensed real estate broker in this state, (ii) that the applicant has successfully completed a course approved by the commission in real estate principles and practices of at least sixty classroom hours of study, (iii) that the applicant has successfully completed a course approved by the commission in real estate appraisal consisting of at least thirty classroom hours of study, and (iv) that the applicant has successfully completed a course approved by the commission consisting of at least thirty classroom hours as prescribed by the commission, or (B) that the applicant has equivalent experience or education as determined by the commission.

(2) Each applicant for a real estate salesperson's license shall, before being admitted to such examination, prove to the satisfaction of the commission (A) that the applicant has successfully completed a course approved by the commission in real estate principles and practices consisting of at least sixty classroom hours of study, or (B) that the applicant has equivalent experience or education as determined by the commission.

(e) The provisions of subsections (c) and (d) of this section shall not apply to any renewal of a real estate broker's license, or a real estate salesperson's license issued prior to October 1, 1973.

(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 March thirty-first for real estate brokers or the next succeeding May thirty-first for real estate salespersons.

(g) Any person whose application has been filed as provided in this section and who is refused a license shall be given notice and afforded an opportunity for hearing as provided in the regulations adopted by the Commissioner of Consumer Protection.

(1953, 1955, S. 2343d; 1959, P.A. 349, S. 1; 462, S. 1; 1961, P.A. 159; February, 1965, P.A. 621, S. 6; 1967, P.A. 445, S. 1, 2; 1969, P.A. 12, S. 1; 398, S. 1; 1971, P.A. 381, S. 1; June, 1971, P.A. 8, S. 92; 1972, P.A. 223, S. 23; P.A. 73-163, S. 2; 73-259, S. 3, 4; 73-616, S. 42; P.A. 77-614, S. 223, 224, 610; P.A. 80-150, S. 1, 2; P.A. 81-361, S. 19, 39; P.A. 82-165; 82-422, S. 6, 14; P.A. 84-140; P.A. 85-41; 85-613, S. 54, 154; P.A. 88-329, S. 6, 15; P.A. 89-251, S. 125, 203; P.A. 90-332, S. 7, 31, 32; P.A. 91-229, S. 6, 19; P.A. 93-354, S. 9, 54; P.A. 94-36, S. 13, 41, 42; P.A. 96-200, S. 9; P.A. 98-10, S. 8; P.A. 99-231, S. 2, 7; P.A. 03-14, S. 1; June 30 Sp. Sess. P.A. 03-6, S. 146(c), (d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 07-214, S. 1; June Sp. Sess. P.A. 09-3, S. 242; P.A. 10-9, S. 10; P.A. 13-196, S. 10.)

History: 1959 acts amended Subsec. (c) to provide for examination fee and waiting period for reexamination and amended Subsec. (d) by increasing fee for broker's license from \$15, doubling salesman's fee and deleting special fees for licenses held six months or less; 1961 act amended Subsec. (c) by restating and clarifying provision allowing applicants to take examination three times for each \$5 fee paid and reducing maximum waiting period for reexamination from six to five months; 1965 act increased broker's license fee in Subsec. (d) from \$25; 1967 act amended Subsec. (c) to add prerequisites for examination and stating that provisions of Subsec. (c) do not apply to renewals of broker's licenses; 1969 acts amended Subsec. (c) to raise application fee from \$5 to \$15 for broker's license and from \$5 to \$10 for salesman's license and to impose extra \$5 charge for second and following reexaminations and amended Subsec. (d) to reflect change from annual to biennial renewal as of October 1, 1969, doubling fees accordingly and adding proviso re licenses which will expire less than one year after issuance; 1971 acts deleted "and without furnishing a separate bond" in Subsec. (d) re entitlements of partnership, corporation, etc. upon receipt of its broker's license, deleted obsolete reference to October 1, 1969, established fee differential between initial license and renewals, raising initial license fee for broker's license from \$70 to \$150 and setting renewal fee of \$200 and raising initial fee for salesman's license from \$20 to \$75 and setting renewal fee of \$150; 1972 act amended Subsec. (d) to reflect return to annual renewal, halving fees accordingly and changing renewal date from September thirtieth to April thirtieth; P.A. 73-163 amended Subsec. (c) to require that all prerequisites be met where previously one was required and to revise prerequisites for broker's license amending Subdiv. (1) to require two years, rather than one year, as salesman and to delete study course of 24 hours, amending Subdiv. (2) to require 30, rather than 24 class room hours and to delete requirement for high school diploma, amending Subdiv. (3) to require 30, rather than 24 classroom hours in real estate "appraisal" rather than in "principles and practices" and to delete requirement for 24 additional hours, replacing previous Subdiv. (4) now contained in Subdiv. (1) with

new Subdiv. (4) requiring 30-hour course of study, to add prerequisites for salesman's license and to exempt from provisions licenses issued before October 1, 1973; P.A. 73-259 added proviso in Subsec. (d) covering interim period created by switch from biennial to annual renewal; P.A. 73-616 amended Subsec. (c) to raise application fee from \$5 to \$15 for broker's license and from \$5 to \$10 for salesman's license, reaffirming changes made in 1969 which apparently were never enacted; P.A. 77-614 clarified responsibilities for examinations dividing duties between commission and consumer protection department in Subsec. (c) and replaced notice and hearing provisions in Subsec. (e) with statement that notice and hearing shall be as provided in consumer protection commissioner's regulations, effective January 1, 1979; P.A. 80-150 amended Subsec. (c) to include provisions for alternative examinations by national testing service and to delete provision re \$5 fee for second and subsequent reexaminations; P.A. 81-361 specified that application forms are to be prescribed by the department rather than by commission on and after July 1, 1981; P.A. 82-165 permitted the real estate commission to waive the national testing service portion of the examination if the applicant received a satisfactory score on such exam taken in another state within two years of his application date; P.A. 82-422 amended Subsec. (c) to require commissioner to establish passing scores for examination; P.A. 84-140 amended Subsec. (d) to allow for the reinstatement of expired licenses; P.A. 85-41 amended Subsec. (c) to allow the applicant to take the examination four, rather than three, times per year, and eliminated the commission's authority to require a waiting period before reexamining an applicant; P.A. 85-613 made technical changes, deleting obsolete provisions re licenses issued prior to May 1, 1973; P.A. 88-329 amended section to establish license qualifications, examination requirements, renewal and reinstatement procedures, fees and the right to a hearing for real estate appraisers and residential appraisers, effective July 1, 1989; P.A. 89-251 amended Subsec. (c) to increase the examination fee for a real estate broker's license or a real estate appraiser's license from \$15 to \$60 and to increase the examination fee for a real estate salesman's license or residential real estate appraiser's license from \$10 to \$40 and amended Subsec. (f) to increase the fee for a real estate broker's license or real estate appraiser's license from \$150 to \$450, to increase the fee for a real estate salesman's license or a residential real estate appraiser's license from \$75 to \$225 to increase the reinstatement fee for a real estate broker's license or a real estate appraiser's license from \$100 to \$300 and to increase the reinstatement fee for a real estate salesman's license or a residential appraiser's license from \$75 to \$225; P.A. 90-332 amended section to include references to the real estate appraisal commission, to add provisions re licensing, certification, examinations and educational requirements for general certified and residential certified appraisers and changed the expiration date for all licenses to April thirtieth of each year; P.A. 91-229 amended the section to clarify the licensing, education and certification of residential and general appraisers, made provisions for out-of-state residential and general appraisers, deleted the references to general certified and residential certified appraisers, simplified the application and fee structure for appraisers and real estate salesmen and brokers, added a requirement that the commissioner of consumer protection make a roster of the real estate appraisers and submit it to the appropriate federal regulatory agency and added provision specifying that real estate salesmen and brokers seeking a residential appraiser's license or renewal, with the proper educational and experience requirements, shall not be required to pay the fee for such license or renewal until April 30, 1992; P.A. 93-354 deleted former Subsec. (d)(3) and (4) re qualifications for general appraiser's and residential appraiser's licenses, deleted former Subsec. (f) re qualifications for real estate appraiser's certificate, relettering Subsecs. (g) and (h) as (f) and (g), deleted provisions re appraisers' license and certificate fees in relettered Subsec. (f) and deleted all other references to real estate appraisers throughout section, effective in accordance with Sec. 20-528; P.A. 94-36 amended Subsec. (g) to delete the specific license renewal date of "April thirtieth", effective January 1, 1995, and changed effective date of P.A. 94-354 but without affecting this section; P.A. 96-200 substituted "salesperson" for "salesman"; P.A. 98-10 made technical

changes; P.A. 99-231 amended Subsec. (f) to add provision that \$3 of renewal fee is payable to Real Estate Guaranty Fund, effective June 29, 1999; P.A. 03-14 amended Subsec. (d) to substitute 60 classroom hours for 30 classroom hours, effective October 1, 2004; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Commissioner and Department of Consumer Protection with Commissioner and Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 07-214 deleted provision re \$5.00 annual eligibility renewal fee in Subsec. (c), effective July 1, 2007; June Sp. Sess. P.A. 09-3 increased fees in Subsecs. (c) and (f); P.A. 10-9 amended Subsec. (c) to delete provision entitling applicant to take examination 4 times within one-year period, effective May 5, 2010; P.A. 13-196 amended Subsec. (f) by deleting provision re April 30 expiration date for reinstated licenses and adding provision re reinstated license expiration date of March 31 for real estate brokers and May 31 for real estate salespersons, effective June 21, 2013.

See Sec. 10a-125 re use of real estate brokers' license fees for maintenance of University of Connecticut Center for Real Estate and Urban Studies.

See Sec. 21a-10(b) re staggered schedule for license renewals.

Cited. 144 C. 647.

Cited. 36 CS 217.

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Sec. 20-314a. Regulations concerning approval of schools, courses, programs and advertising. Exemption from experience requirement for certain applicants. (a) The Commissioner of Consumer Protection, with the advice and assistance of the commission, may adopt regulations, in accordance with chapter 54, relating to the approval of schools offering courses in real estate principles and practice and related subjects, or real estate student intern programs, the content of such courses or programs and the advertising to the public of the services of such schools. Such regulations shall not require (1) approval of instructors at such schools, or (2) a course to be conducted in a classroom location approved for such use by a local fire marshal provided the course is conducted in a hotel, restaurant or other public building or a place of public assembly, as defined in section 19-13-B105 of the regulations of Connecticut state agencies.

(b) The commission may exempt any applicant for a real estate broker's license from the requirements concerning experience under the provisions of subsection (d) of section 20-314, if the commission determines that such applicant is unable to meet such requirements solely because such applicant has been subjected to discrimination based on race, creed or color, which discrimination interfered with such applicant's ability to meet such requirements.

(1967, P.A. 445, S. 3; P.A. 77-614, S. 225, 610; P.A. 79-74, S. 3; P.A. 82-422, S. 7, 14; P.A. 90-332, S. 8, 32; P.A. 93-354, S. 10, 54; P.A. 94-36, S. 41, 42; P.A. 98-10, S. 9; P.A. 03-71, S. 1; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1; P.A. 05-48, S. 1.)

History: P.A. 77-614 transferred power to make regulations from commission to consumer protection commissioner, retaining commission in advisory role, effective January 1, 1979; P.A. 79-74 added

reference to regulation of student intern programs; P.A. 82-422 specified that regulations do not require approval of instructors at real estate schools; P.A. 90-332 amended section to include references to the real estate appraisal commission; P.A. 93-354 deleted reference to advisory role of real estate appraisal commission in making regulations governing real estate education, effective in accordance with Sec. 20-258; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 98-10 made technical changes; P.A. 03-71 deleted “such reasonable” and “as the commissioner deems necessary” re adoption of regulations; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 05-48 inserted Subsec. designators (a)(1), (a)(2) and (b) and added as Subsec. (a)(2) provisions re courses conducted in locations approved by local fire marshal.

Cited. 39 CS 99.

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Sec. 20-314b. Validity of license. Any person licensed under this chapter shall be permitted to perform the work covered by such license in any municipality of this state without further examination or licensing by such municipality.

(P.A. 78-63, S. 1, 2; P.A. 91-229, S. 7, 19; P.A. 93-354, S. 11, 54; P.A. 94-36, S. 41, 42.)

History: P.A. 91-229 added “certification” as a requirement for performance of work as a real estate appraiser to comply with federal regulations; P.A. 93-354 deleted references to certification, reflecting separation of statutory provisions concerning real estate commission and real estate appraisal commission, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section.

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Sec. 20-314c. Real estate student intern program. Application. Exemption from license requirements while enrolled in intern program. Any student who wishes to enroll in a real estate student intern program in this state shall file an application with the commission. The commission shall approve such application if it appears to the satisfaction of the commission that the program is provided by an accredited school and the student will be under the direct supervision of a real estate broker licensed in the state. The application shall contain the name and address of such licensed real estate broker, and a statement from the broker that such broker shall be liable for any acts of negligence, fraud or misrepresentation by such student while under such broker’s supervision. If the commission approves the application, the commission shall exempt such student from the license requirements of this chapter during the period in which such student is acting as an intern under the direct supervision of a real estate broker licensed in the state while enrolled in such intern program.

(P.A. 79-74, S. 1; P.A. 80-104; P.A. 98-10, S. 10; P.A. 03-71, S. 2.)

History: P.A. 80-104 added provision re exemption of students from license requirements during period of internship; P.A. 98-10 made technical changes; P.A. 03-71 made a technical change.

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Sec. 20-315. Bond. Section 20-315 is repealed.

(1953, S. 2344d; 1969, P.A. 525, S. 11.)

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Sec. 20-316. Grounds for refusal of license. (a) No license under this chapter shall be denied by the commission to any applicant who has been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud or other like offense or offenses, or to any association or partnership of which such person is a member, or to any corporation of which such person is an officer or in which as a stockholder such person has or exercises a controlling interest either directly or indirectly, except in accordance with the provisions of section 46a-80.

(b) No license under this chapter shall be issued by the Department of Consumer Protection to any applicant (1) whose application for a license as a real estate broker or real estate salesperson has, within one year prior to the date of his application under this chapter, been rejected in this state, in any other state or in the District of Columbia or (2) whose license as a real estate broker or real estate salesperson has, within one year prior to the date of his application under this chapter, been revoked in this state, in any other state or in the District of Columbia.

(c) No license as a real estate broker or real estate salesperson shall be issued under this chapter to any person who has not attained the age of eighteen years.

(d) The provisions of this section shall apply to any applicant for a license under this chapter, whether or not such applicant was engaged in the real estate business in this state on July 1, 1953, and whenever the applicant's application is filed.

(1953, S. 2346d; 1969, P.A. 525, S. 11; 1971, P.A. 381, S. 2; 1972, P.A. 127, S. 52; P.A. 73-163, S. 3; P.A. 76-168, S. 1, 4; P.A. 79-44; P.A. 81-361, S. 20, 39; P.A. 88-329, S. 7, 15; P.A. 90-332, S. 9, 32; P.A. 91-229, S. 8, 19; P.A. 93-354, S. 12, 54; P.A. 94-36, S. 41, 42; P.A. 96-200, S. 10; P.A. 98-10, S. 11; P.A. 03-71, S. 3; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.)

History: 1969 act repealed previous Subsec. (d); 1971 act redesignated former Subsec. (e) as Subsec. (d), reflecting previous repeal of former Subsec. (d); 1972 act changed minimum age required for license from 21 to 18 in Subsec. (c), reflecting lowered age of majority; P.A. 73-163 prohibited issuance of license to applicant convicted within 5, rather than 10, preceding years, added prohibition re issuance of license within 5 years of termination of confinement, probation or parole and required previously convicted applicant to provide evidence of pardon or statement of good conduct from parole board or probation officer before license is issued in Subsec. (a); P.A. 76-168 changed emphasis of Subsec. (a) to forbid denial of license except in accordance with Sec. 4-61o (later transferred to Sec. 46a-80); P.A. 79-44 made minimum age requirement in Subsec. (c) applicable to salesman's license as well as to broker's license; P.A. 81-361 amended section to refer to issuance of license by the department instead of the commission; P.A. 88-329 made grounds for refusal of license for brokers and salesmen applicable to real estate appraisers and residential appraisers, effective July 1, 1989; P.A. 90-332 amended section to include references to the real estate appraisal commission

and provisions re certification for general certified and residential certified appraisers; P.A. 91-229 deleted all references to general certified and residential certified appraisers and made technical corrections; P.A. 93-354 deleted references to real estate appraisal commission and certification, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 96-200 substituted "salesperson" for "salesman"; P.A. 98-10 made technical changes; P.A. 03-71 amended Subsec. (d) to substitute "any applicant for a license" for "all applicants for licenses" and "the applicant's" for "his"; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

Posting of bond is condition precedent to issuance of license. 150 C. 603.

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Sec. 20-317. Persons licensed in another state as a real estate broker or salesperson. Requirements for Connecticut license. Consent to suits and actions. (a) A person licensed in another state as a real estate broker or salesperson may become a real estate broker or real estate salesperson in this state by conforming to all of the provisions of this chapter. The commission shall recognize a current, valid license issued to a currently practicing, competent real estate broker or real estate salesperson by another state as satisfactorily qualifying the broker or salesperson for a license as a real estate broker or real estate salesperson under this chapter, provided (1) the laws of the state in which the broker or salesperson is licensed require that applicants for licenses as real estate brokers and real estate salespersons establish their competency by written examinations and allow licenses to be issued to residents of the state of Connecticut, licensed under this chapter, without examination, (2) the licensure requirements of such state are substantially similar to or higher than those of this state, and (3) the broker or salesperson has no disciplinary proceeding or unresolved complaint pending against the broker or salesperson. If the applicant is licensed in a state that does not have such requirements, such applicant shall be required to pass the Connecticut portion of the real estate examination.

(b) Every applicant licensed in another state shall file an irrevocable consent that suits and actions may be commenced against such applicant in the proper court in any judicial district of the state in which a cause of action may arise or in which the plaintiff may reside, by the service of any process or pleading, authorized by the laws of this state, on the chairperson of the commission, such consent stipulating and agreeing that such service of such process or pleading shall be taken and held in all courts to be as valid and binding as if service had been made upon such applicant in the state of Connecticut. If any process or pleadings under this chapter are served upon the chairperson, it shall be by duplicate copies, one of which shall be filed in the office of the commission, and the other immediately forwarded by registered or certified mail, to the applicant against whom such process or pleadings are directed, at the last-known address of such applicant as shown by the records of the commission. No default in any such proceedings or action shall be taken unless it appears by affidavit of the chairperson of the commission that a copy of the process or pleading was mailed to the defendant as required by this subsection, and no judgment by default shall be taken in any such action or proceeding within twenty days after the date of mailing of such process or pleading to the out-of-state defendant.

(1953, S. 2352d; 1967, P.A. 460, S. 8; 1971, P.A. 381, S. 3; P.A. 77-614, S. 226, 610; P.A. 78-280, S. 2, 127; P.A. 82-422, S. 8, 14; P.A. 87-137; P.A. 88-329, S. 8, 15; P.A. 90-332, S. 10, 32; P.A. 91-229, S. 9, 19; P.A. 93-354, S. 13, 54; P.A. 94-36, S. 41, 42; P.A. 96-200, S. 11; P.A. 98-10, S. 12; P.A. 01-100, S. 3.)

History: 1967 act updated statute to provide for service of process on chairman or executive director of commission rather than on commissioner or his deputy; 1971 act deleted reference to filing of bond by nonresident applicant “in the same amount as is required of a resident of this state”; P.A. 77-614 deleted references to executive director of commission as proxy party for nonresident applicants in suits and actions filed against them; P.A. 78-280 replaced “county” with “judicial district”; P.A. 82-422 limited licensure by reciprocity to licensees currently practicing in a state having licensure requirements substantially similar to or higher than those of this state, who have no complaints or disciplinary proceedings pending against them and who pass the Connecticut portion of the real estate examination; P.A. 87-137 provided that, for licensure by reciprocity of individuals licensed in another state with requirements substantially similar to or higher than those of this state, the applicant need not pass the Connecticut portion of the real estate examination; P.A. 88-329 made licensure requirements for nonresident brokers and salesmen applicable to nonresident real estate appraisers and residential appraisers, effective July 1, 1989; P.A. 90-332 amended section to include references to the real estate appraisal commission and provisions re certification for general certified and residential certified appraisers; P.A. 91-229 divided section into Subsecs., deleted all references to general certified and residential certified appraisers, in Subsec. (a) added a provision re certification and qualifications for nonresidents applying for licensure or certification in this state and added new Subsec. (c) re temporary licensing or certification for a period of 20 days for a \$150 fee; P.A. 93-354 deleted Subsec. (c) re licensing and certification of nonresident real estate appraisers and deleted all references to real estate appraisal commission and real estate appraisers elsewhere in the section, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 96-200 substituted “salesperson” for “salesman” in Subsec. (a); P.A. 98-10 made technical changes; P.A. 01-100 deleted references to nonresidents and replaced with references to persons licensed in another state and made technical changes, including changes for the purpose of gender neutrality.

Cited. 144 C. 647. If a nationally recognized real estate brokerage corporation wants to engage in real estate business in this state, section provides a means for it to do so legally. 266 C. 572.

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Sec. 20-318. Certificate. The Department of Consumer Protection shall issue to each licensee under this chapter a license certificate in such size and form as the department determines.

(1953, S. 2347d; P.A. 81-361, S. 21, 39; P.A. 90-332, S. 11, 32; June Sp. Sess. P.A. 91-12, S. 32, 55; P.A. 98-10, S. 13; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.)

History: P.A. 81-361 amended section to allow the department to issue licenses upon the authorization of the commission on and after July 1, 1981, and to delete reference to issuance of pocket cards; P.A. 90-332 amended section to include a reference to the real estate appraisal commission; June Sp. Sess. P.A. 91-12 changed entity issuing licenses from the real estate commission or the real estate appraisal commission to the department of consumer protection; P.A. 98-10 made technical changes; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of

Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

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Sec. 20-319. Renewal. Continuing education requirements. Regulations. (a) The commission shall authorize the Department of Consumer Protection to issue an annual renewal license to any applicant who possesses the qualifications specified in and otherwise has complied with the provisions of this chapter and any regulation adopted under this chapter. The commission shall authorize said department to issue an annual renewal of a real estate broker's license to any entity licensed pursuant to subsection (b) of section 20-312, provided such entity: (1) Was so licensed as of September 30, 2005, notwithstanding the fact such entity does not meet the requirements for publicly traded corporations required by subdivision (3) of subsection (b) of section 20-312, or (2) changes its designated real estate broker pursuant to subsection (c) of section 20-312.

(b) There is hereby established an annual renewal license to be issued by the Department of Consumer Protection. Persons licensed in accordance with the provisions of this chapter shall fulfill a continuing education requirement. Applicants for an annual renewal license for real estate brokers or real estate salespersons shall, in addition to the other requirements imposed by the provisions of this chapter, in any even-numbered year, submit proof of compliance with the continuing education requirements of this subsection to the commission, accompanied by an eight-dollar processing fee. The continuing education requirement may be satisfied by successful completion of any of the following during the two-year period preceding such renewal: (1) A course or courses, approved by the commission, of continuing education in current real estate practices and licensing laws, including, but not limited to, practices and laws concerning common interest communities, consisting of not less than twelve hours of classroom study; or (2) a written examination prepared and administered by either the Department of Consumer Protection, or by a national testing service approved by the department, which demonstrates a knowledge of current real estate practices and licensing laws; or (3) equivalent continuing educational experience or study as determined by regulations adopted pursuant to subsection (d) of this section. An applicant for examination under subdivision (2) of this subsection shall pay the required examination fee to the national testing service, if administered by such testing service, or to the Department of Consumer Protection, if administered by the department.

(c) If the commission refuses to grant an annual renewal license, the licensee or applicant, upon written notice received as provided for in this chapter, may have recourse to any of the remedies provided by sections 20-314 and 20-322.

(d) The Commissioner of Consumer Protection, in consultation with the commission, shall adopt regulations, in accordance with chapter 54, concerning the approval of schools, institutions or organizations offering courses in current real estate practices and licensing laws, including, but not limited to, practices and laws concerning common interest communities, and the content of such courses. Such regulations shall include, but not be limited to: (1) Specifications for meeting equivalent continuing educational experience or study; (2) exceptions from continuous education requirements for reasons of health or instances of individual hardship. No school, institution or organization that offers a course in current real estate practices and licensing laws may be disapproved solely because its courses are offered or taught by electronic means, and no course may be disapproved solely

because it is offered or taught by electronic means.

(1953, S. 2345d; P.A. 81-361, S. 22, 39; P.A. 83-472; P.A. 85-109; P.A. 88-329, S. 9, 15; P.A. 89-251, S. 126, 203; P.A. 90-332, S. 12, 32; P.A. 91-229, S. 10, 19; P.A. 93-354, S. 14, 54; P.A. 94-36, S. 41, 42; 94-240, S. 1, 14; P.A. 96-200, S. 12; P.A. 98-10, S. 14; P.A. 03-39, S. 1; June 30 Sp. Sess. P.A. 03-6, S. 146(c), (d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 05-288, S. 85; P.A. 07-214, S. 3; P.A. 12-113, S. 5.)

History: P.A. 81-361 amended section to allow the department to issue renewal licenses upon the authorization of the commission on and after July 1, 1981; P.A. 83-472 divided section into Subsecs., provided that no renewal license may be issued on or after May 1, 1986, unless the applicant demonstrates proficiency in real estate practices or takes approved continuing education courses in accordance with the requirements of Subsec. (a) and added Subsec. (c), requiring the commissioner of consumer protection to adopt regulations concerning guidelines for the approval of such courses; P.A. 85-109 clarified the standards for successful completion of the continuing education requirement, moving renewal license provisions from Subsec. (a) to Subsec. (b) and relettering remaining Subsecs. accordingly; P.A. 88-329 amended section to establish renewal and continuing education requirements for real estate appraisers and residential appraisers, effective July 1, 1989; P.A. 89-251 amended Subsec. (b) to increase processing fee from \$6 to \$8; P.A. 90-332 amended section to include references to the real estate appraisal commission, provisions re certification for general certified and residential certified appraisers, and added Subsec. (c) concerning education requirements for certified appraisers and relettered former Subsecs. (c) and (d) as (d) and (e) respectively; P.A. 91-229 deleted all references to general certified and residential certified appraisers, amended Subsec. (b) to require that applicants for the first renewal license after July 1, 1991, meet all the requirements necessary to conduct business in this state as well as all the requirements mandated by federal regulations, in Subsec. (c) substituted "the required hours" to be determined by the real estate appraisal commission or the appraiser qualifications board of the appraisal foundation for the reference to 20 hours of classroom study, and made technical changes; P.A. 93-354 amended Subsec. (b) to delete provisions re renewal of appraisers' licenses and continuing education requirements for renewal, deleted Subsec. (c) re continuing education requirements for certified appraisers, relettering Subsecs. (d) and (e) accordingly, and removed references to real estate appraisers and real estate appraisal commission throughout section, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 94-240 in Subsec. (c) substituted "have recourse to" in lieu of "avail himself of", effective July 1, 1994; P.A. 96-200 amended Subsec. (b) to substitute "salespersons" for "salesmen" and made a technical change; P.A. 98-10 made technical changes; P.A. 03-39 amended Subsec. (d) to prohibit disapproval of a school, institution, organization or course solely because it uses electronic means; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Commissioner and Department of Consumer Protection with Commissioner and Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 05-288 made a technical change in Subsec. (b), effective July 13, 2005; P.A. 07-214 added provision in Subsec. (a) re commission's authorization for department to issue annual renewal of real estate broker's license subject to certain conditions, effective July 1, 2007; P.A. 12-113 amended Subsecs. (b)(1) and (d) by adding provisions re continuing education courses in current real estate practices and licensing laws to include practices and laws concerning common interest communities.

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Sec. 20-319a. Change of salesperson's employment or affiliation. Fees. (a) Any licensed real estate salesperson who transfers his employment from one broker to another or his affiliation with a broker as an independent contractor shall register such transfer with, and pay a registration fee of twenty-five dollars to, the commission.

(b) A fee of twenty-five dollars shall be paid to the commission for the issuance of a license certification.

(1969, P.A. 398, S. 2; P.A. 81-178, S. 1; P.A. 89-251, S. 127, 203; P.A. 90-332, S. 13, 32; May Sp. Sess. P.A. 92-6, S. 36, 117; P.A. 96-200, S. 13; P.A. 98-10, S. 15; P.A. 07-214, S. 2.)

History: P.A. 81-178 increased fee for transfer of registration from \$3 to \$10 and required salesmen affiliated with brokers as independent contractors to pay fee and added Subsec. (b) re fee for issuance of license certification or duplicate; P.A. 89-251 increased fees for transfer of registration and for issuance of a license or a duplicate from \$10 to \$15; P.A. 90-332 amended section to specify that fees be paid to "real estate" commission; May Sp. Sess. P.A. 92-6 amended Subsecs. (a) and (b) to increase fees from \$15 to \$25; P.A. 96-200 substituted "salesperson" for "salesman"; P.A. 98-10 made technical changes; P.A. 07-214 deleted provision re \$25 duplicate license certificate fee in Subsec. (b), effective July 1, 2007.

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Sec. 20-320. Suspension or revocation of licenses. Fines. The Department of Consumer Protection may, upon the request of the commission or upon the verified complaint in writing of any person, if such complaint, or such complaint together with evidence, documentary or otherwise, presented in connection with such complaint, shall make out a prima facie case, investigate the actions of any real estate broker or real estate salesperson or any person who assumes to act in any of such capacities within this state. The commission may temporarily suspend or permanently revoke any license issued under the provisions of this chapter and, in addition to or in lieu of such suspension or revocation, may, in its discretion, impose a fine of not more than two thousand dollars at any time when, after proceedings as provided in section 20-321, the commission finds that the licensee has by false or fraudulent misrepresentation obtained a license or that the licensee is guilty of any of the following: (1) Making any material misrepresentation; (2) making any false promise of a character likely to influence, persuade or induce; (3) acting as an agent for more than one party in a transaction without the knowledge of all parties for whom the licensee acts; (4) representing or attempting to represent a real estate broker other than the licensee's employer or the broker with whom the licensee is affiliated, without the express knowledge and consent of the licensee's employer or affiliated broker; (5) failing, within a reasonable time, to account for or remit any moneys coming into the licensee's possession which belong to others; (6) entering into an exclusive listing contract or buyer agency contract which contains a fixed termination date if such contract also provides for an automatic continuation of the period of such contract beyond such date; (7) failing to deliver immediately a copy of any instrument to any party or parties executing the instrument, where such instrument has been prepared by the licensee or under the licensee's supervision and where such instrument relates to the employment of the licensee or to any matters pertaining to the consummation of a lease, or the purchase, sale or exchange of real property or any other type of real estate transaction in which the licensee may

participate as a broker or a salesperson; (8) conviction in a court of competent jurisdiction of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or other like offense or offenses, provided suspension or revocation under this subdivision shall be subject to the provisions of section 46a-80; (9) collecting compensation in advance of services to be performed and failing, upon demand of the person paying the compensation or the commission, to render an accounting of the use of such money; (10) commingling funds of others with the licensee's own, or failing to keep funds of others in an escrow or trustee account; (11) any act or conduct which constitutes dishonest, fraudulent or improper dealings; (12) failing to provide the disclosures required by section 20-325c; (13) a violation of any provision of this chapter or any regulation adopted under this chapter. Any fine collected pursuant to this section shall be deposited in the Real Estate Guaranty Fund established pursuant to section 20-324a.

(1953, 1955, S. 2348d; 1957, P.A. 39; 1963, P.A. 100; 1967, P.A. 460, S. 9; P.A. 74-286, S. 1, 3; P.A. 76-26, S. 1, 3; 76-168, S. 2, 4; P.A. 77-614, S. 227, 610; P.A. 83-512, S. 2; P.A. 88-329, S. 10, 15; P.A. 89-347, S. 2; P.A. 90-332, S. 14, 32; P.A. 91-229, S. 11, 19; P.A. 93-354, S. 15, 54; P.A. 94-36, S. 41, 42; 94-240, S. 2, 14; P.A. 98-10, S. 16; P.A. 99-231, S. 3, 7; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.)

History: 1963 act added Subdiv. (12); 1967 act amended Subdiv. (12) to make violation of any provision of chapter grounds for revocation or suspension and updated statute deleting references to "commissioner" and substituting "commission"; P.A. 74-286 rewrote Subdiv. (8), replacing convictions within 10 years with convictions within 5 years as ground for suspension or revocation of license and adding "confinement, or probation or parole for such conviction, within five years ..." as ground for suspension or revocation; P.A. 76-26 added provision allowing imposition of fine in addition to or in lieu of suspension or revocation of license for first offense; P.A. 76-168 deleted the words "in performing or attempting to perform any of the actions enumerated in section 20-311", immediately before Subdiv. (1) and revised Subdiv. (8) limiting suspension or revocation for license for conviction as provided in Sec. 4-61o (later transferred to Sec. 46a-80) rather than using 5-year period as measure of applicability and deleting reference to confinement, probation or parole as measure of applicability; P.A. 77-614 transferred investigatory power from commission to consumer protection department, acting on commission's request and referred in Subdiv. (12) to regulations "under this chapter" rather than to regulations of commission, effective January 1, 1979; P.A. 83-512 increased the maximum fine from \$500 to \$1,000; P.A. 88-329 made grounds for suspension or revocation of license and fines for brokers and salesmen applicable to real estate appraisers and residential appraisers, effective July 1, 1989; P.A. 89-347 inserted new Subdiv. (12) re failure to provide the disclosures required by Sec. 20-325c, renumbering former Subdiv. as (13); P.A. 90-332 amended section to include references to the real estate appraisal commission and provisions re certification for general certified and residential certified appraisers; P.A. 91-229 deleted all references to general certified and residential certified appraisers and made technical corrections; P.A. 93-354 deleted references to real estate appraisers, real estate appraisal commission and certification throughout section, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 94-240 made certain changes to the text to make it more gender neutral and increased the maximum fine from \$1,000 to \$2,000, effective July 1, 1994; P.A. 98-10 made technical changes; P.A. 99-231 added provision that fines collected pursuant to section shall be deposited into Real Estate Guaranty Fund, effective June 29, 1999; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer

Protection, effective June 1, 2004.

Commission has jurisdiction to revoke broker's license pursuant to section only if he is acting in his capacity as broker, i.e. performing or attempting to perform "for another and for a fee". 169 C. 445. Cited. 177 C. 515; 213 C. 612.

Cited. 7 CA 120; 14 CA 46; 25 CA 51; 37 CA 777.

Cited. 26 CS 193.

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Sec. 20-320a. Referral of any buyer of real property to an attorney or mortgage broker prohibited, when. Suspension or revocation of licenses. Fines. (a) No real estate broker or real estate salesperson, no person affiliated with such broker or salesperson, and no person engaging in the real estate business may receive a fee, commission or other form of referral fee for the referral of any buyer of real property to (1) an attorney-at-law admitted to practice in this state or any person affiliated with such attorney or (2) any mortgage broker, any lender, as defined in subdivision (5) of section 49-31d, or any person affiliated with such mortgage broker or lender.

(b) The Department of Consumer Protection may, upon the request of the commission or upon the verified complaint in writing of any person, if such complaint, or such complaint together with evidence, documentary or otherwise, presented in connection with such complaint, shall make out a prima facie case, investigate the actions of any real estate broker or real estate salesperson or any person who assumes to act in any of such capacities within this state. The commission may temporarily suspend or permanently revoke any license issued under the provisions of this chapter, and, in addition to or in lieu of such suspension or revocation, may, in its discretion, impose a fine of not more than one thousand dollars for the first offense at any time when, after proceedings as provided in section 20-321, the commission finds that the licensee is guilty of violating any of the provisions of subsection (a) of this section.

(P.A. 94-240, S. 11; P.A. 96-200, S. 14; P.A. 98-10, S. 17; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.)

History: P.A. 96-200 substituted "salesperson" for "salesman"; P.A. 98-10 made technical changes; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

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Sec. 20-320b. Prohibition against influencing real estate appraisals. Violation, penalty. (a) A real estate broker or real estate salesperson licensed under this chapter shall not influence residential real estate appraisals. For the purposes of this section, "influence residential real estate appraisals" includes, but is not limited to, refusal or intentional failure to refer a homebuyer, or encouraging other real estate brokers or real estate salespersons not to refer a homebuyer, to a mortgage broker, as

defined in section 36a-760, or a lender, as defined in section 36a-760, based solely on the fact that the mortgage broker or lender uses an appraiser who has provided an appraisal reflecting a fair market value estimate that was less than the sale contract price.

(b) Violations of subsection (a) of this section shall be subject to the actions and penalties set forth in section 20-320.

(P.A. 08-176, S. 82.)

History: P.A. 08-176 effective July 1, 2008.

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Sec. 20-321. Notice and hearing. Before refusing, suspending or revoking any license or imposing any fine under this chapter, the commission shall give notice and afford an opportunity for hearing as provided in the regulations adopted by the Commissioner of Consumer Protection.

(1953, 1955, S. 2349d; 1967, P.A. 460, S. 10; 1971, P.A. 871, S. 98; P.A. 76-26, S. 2, 3; P.A. 77-614, S. 228, 610; P.A. 90-332, S. 15, 32; P.A. 91-229, S. 12, 19; P.A. 93-354, S. 16, 54; P.A. 94-36, S. 41, 42; P.A. 98-10, S. 18; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.)

History: 1967 act updated statute deleting references to “commissioner” and substituting “commission”; 1971 act made false statement an optional finding where person swears or affirms falsely before the commission and replaced provision for penalty of fine between \$25 and \$200 and/or imprisonment for up to one year with provision for “penalties provided for false statement”; P.A. 76-26 required notice and opportunity for hearing before “imposing any fine”; P.A. 77-614 replaced lengthy and detailed provisions re notice, hearing, false statement and penalty for false statement with provision requiring notice and opportunity for hearing as provided in regulations of consumer protection commissioner, effective January 1, 1979; P.A. 90-332 amended section to include a reference to the real estate appraisal commission; P.A. 91-229 added “certification” as a requirement for performance of work as a real estate appraiser to comply with federal regulations; P.A. 93-354 deleted reference to real estate appraisal commission and certification, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 98-10 made technical changes; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

Cited. 177 C. 515.

Cited. 37 CA 777.

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Sec. 20-322. Appeal. Any person aggrieved by any decision or order of the commission may appeal in accordance with the provisions of section 4-183.

(1953, S. 2350d; 1971, P.A. 179, S. 16; P.A. 76-436, S. 435, 681; P.A. 77-603, S. 82, 125; 77-614, S. 229, 610; P.A. 90-332, S. 16, 32; P.A. 93-354, S. 17, 54; P.A. 94-36, S. 41, 42; P.A. 98-10, S. 19.)

History: 1971 act required that appeals be taken between 12 and 30 days after service rather than to the next or “next but one” return day; P.A. 76-436 replaced court of common pleas with superior court and added reference to judicial districts, effective July 1, 1978; P.A. 77-603 replaced previous detailed appeal provisions with provision requiring appeals in accordance with Sec. 4-183; P.A. 77-614 deleted reference to appeals on grievances re regulations, effective January 1, 1979; P.A. 90-332 amended section to include a reference to the real estate appraisal commission; P.A. 93-354 deleted reference to real estate appraisal commission, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 98-10 made a technical change.

Cited. 169 C. 445.

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Sec. 20-323. Revocation of license upon conviction of crime. Any licensee under this chapter who is convicted of a violation of any of the offenses enumerated in subdivision (8) of section 20-320 shall incur a forfeiture of his license and all moneys that may have been paid for such license. The clerk of any court in which such conviction has been rendered shall forward to the commission without charge a certified copy of such conviction. The commission, upon the receipt of a copy of the judgment of conviction, shall, not later than ten days after such receipt, notify the licensee, in writing, of the revocation of his license. Such notice shall be conclusive of the revocation of such license.

Application for reinstatement of such license shall be subject to the provisions of section 46a-80.

(1953, 1955, S. 2354d; P.A. 74-286, S. 2, 3; P.A. 76-168, S. 3, 4; P.A. 90-332, S. 17, 32; P.A. 91-229, S. 13, 19; May Sp. Sess. P.A. 92-11, S. 4, 70; P.A. 93-354, S. 18, 54; P.A. 94-36, S. 41, 42; P.A. 98-10, S. 20.)

History: P.A. 74-286 changed term of ineligibility for license following revocation from 10 to 5 years and made same period applicable with regard to “termination of confinement, probation or parole, whichever is later”; P.A. 76-168 replaced previous provision re term of ineligibility for license following revocation with statement that applications for reinstatement are subject to Sec. 4-61o (later transferred to Sec. 46a-80); P.A. 90-332 added a provision for “appropriate” commission to differentiate between the real estate commission and the real estate appraisal commission and inserted references to certification; P.A. 91-229 added “certification” as a requirement for performance of work as a real estate appraiser to comply with federal regulations; May Sp. Sess. P.A. 92-11 made a technical change; P.A. 93-354 made technical changes reflecting separation of statutory provisions concerning real estate commission and real estate appraisal commission, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 98-10 made technical changes.

Cited. 169 C. 445.

Cited. 37 CA 777.

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Sec. 20-324. Misrepresentation; penalty. Any person wilfully misrepresenting any fact required to be disclosed in any application or in any other form, paper or document required to be filed with the commission in connection with an application for a license under this chapter shall be fined not more than five hundred dollars or imprisoned not more than six months or both.

(1953, S. 2355d; P.A. 90-332, S. 18, 32; P.A. 93-354, S. 19, 54; P.A. 94-36, S. 41, 42; P.A. 98-10, S. 21.)

History: P.A. 90-332 added a provision for “appropriate” commission to differentiate between the real estate commission and the real estate appraisal commission and inserted references to certification; P.A. 93-354 deleted reference to real estate appraisal commission and certification, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 98-10 made technical changes.

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Sec. 20-324a. Real Estate Guaranty Fund. The commission shall establish and maintain a Real Estate Guaranty Fund from which, subject to the provisions of sections 20-324a to 20-324j, inclusive, any person aggrieved by any action of a real estate broker or real estate salesperson, duly licensed in this state under section 20-312, by reason of the embezzlement of money or property, or money or property unlawfully obtained from any person by false pretenses, artifice, trickery or forgery or by reason of any fraud, misrepresentation or deceit by or on the part of any such real estate broker or real estate salesperson or the unlicensed employee of any such real estate broker, may recover, upon approval by the commission of an application brought pursuant to the provisions of section 20-324e, compensation in an amount not exceeding in the aggregate the sum of twenty-five thousand dollars in connection with any one real estate transaction or claim, regardless of the number of persons aggrieved or parcels of real estate involved in such real estate transaction or claim.

(1969, P.A. 525, S. 1; P.A. 82-19; 82-422, S. 10, 14; P.A. 85-124, S. 1; P.A. 95-158, S. 2; P.A. 96-200, S. 15; P.A. 98-10, S. 22.)

History: P.A. 82-19 and P.S. 82-422 both increased the amount a defrauded consumer could recover on a claim from \$10,000 to \$25,000; P.A. 85-124 provided that compensation may be recovered upon approval by the commission of an application for compensation, rather than upon a court order; P.A. 95-158 added references to “real estate” for clarity to specify the types of transactions and claims applicable under this section; P.A. 96-200 substituted “salesperson” for “salesman”; P.A. 98-10 made a technical change.

Cited. 189 C. 162; 192 C. 439.

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Sec. 20-324b. Fee payable to fund. Any person who receives a real estate broker’s or real estate salesperson’s license under this chapter for the first time shall pay an additional one-time fee of twenty dollars in addition to all other fees payable, which additional fee shall be credited to the Real Estate Guaranty Fund. The Real Estate Guaranty Fund shall also be credited as provided in sections 20-314 and 20-320.

(1969, P.A. 525, S. 2; P.A. 96-200, S. 16; P.A. 98-10, S. 23; P.A. 99-231, S. 4, 7.)

History: P.A. 96-200 substituted “salesperson” for “salesman”; P.A. 98-10 made technical changes; P.A. 99-231 added provision that fund is to be credited as provided in Secs. 20-314 and 20-320, effective June 29, 1999.

Cited. 189 C. 162; 192 C. 439.

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Sec. 20-324c. Level of guaranty fund. Credits to guaranty fund and General Fund. The commission shall maintain the Real Estate Guaranty Fund at a level not to exceed five hundred thousand dollars and to this intent moneys received under section 20-324b shall be credited to said fund whenever the fund balance is below five hundred thousand dollars. Any such moneys may be invested or reinvested in the same manner as funds of the state employees retirement system. The interest arising from such investments shall be credited to the Real Estate Guaranty Fund whenever the fund balance is below five hundred thousand dollars, and to the General Fund whenever the fund balance is equal to or greater than five hundred thousand dollars. Any moneys received under section 20-324b not required to maintain the Real Estate Guaranty Fund balance shall be deposited to the General Fund. All moneys in the Real Estate Guaranty Fund in excess of five hundred thousand dollars, shall be transferred by the State Treasurer to the General Fund.

(1969, P.A. 525, S. 3; P.A. 76-212, S. 1, 2; P.A. 89-105; P.A. 90-332, S. 19, 32; P.A. 98-10, S. 24; P.A. 99-231, S. 5, 7.)

History: P.A. 76-212 required that guaranty fund not exceed \$275,000 and required credit of moneys received under Sec. 20-324h to fund when balance drops below that level, replacing provision requiring that fund contain minimum of \$250,000 and that all moneys received be deposited in guaranty fund, required that interest from investments be credited to general fund rather than guaranty fund and added provision requiring deposit of moneys not needed to maintain guaranty fund and of amount exceeding \$275,000 in guaranty fund on May 19, 1976, in general fund; P.A. 89-105 raised the level of the guaranty fund to \$500,000; P.A. 90-332 specified the “real estate” commission to differentiate it from the recently created real estate appraisal commission; P.A. 98-10 made technical changes; P.A. 99-231 added provision that required interest arising from investments be credited to the Real Estate Guaranty Fund whenever the balance in the fund is below \$500,000, effective June 29, 1999.

Cited. 189 C. 162; 192 C. 439.

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Sec. 20-324d. Limitation of actions. No application to recover compensation under sections 20-324a to 20-324j, inclusive, which might subsequently result in an order for collection from the Real Estate Guaranty Fund shall be brought later than two years from the final determination of, or expiration of time for appeal in connection with, any judgment.

(1969, P.A. 525, S. 4; P.A. 85-124, S. 4; P.A. 98-10, S. 25.)

History: P.A. 85-124 provided that any application for compensation must be brought within two years from the final determination of, or expiration of appeal rights concerning, any judgment, rather than within two years of the date a cause of action accrued; P.A. 98-10 made a technical change.

Running of statute of limitations discussed. 189 C. 162. Cited. 192 C. 439.

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Sec. 20-324e. Procedure. (a) When any aggrieved person commences any action for a judgment which may result in collection from the Real Estate Guaranty Fund, the aggrieved person shall notify the commission in writing to this effect at the time of the commencement of such action. Such written notice shall toll the time for making application to the commission pursuant to section 20-324d. The commission shall have the right to enter an appearance, intervene in or defend any such action and may waive the required written notice for good cause shown.

(b) When any aggrieved person recovers a valid judgment in the Superior Court against any real estate broker or real estate salesperson or the unlicensed employee of any such real estate broker for loss or damages sustained by reason of the embezzlement of money or property, or money or property unlawfully obtained from any person by false pretenses, artifice, trickery or forgery or by reason of any fraud, misrepresentation or deceit by or on the part of such real estate broker or salesperson or the unlicensed employee of any such real estate broker, such aggrieved person may upon the final determination of, or expiration of time for appeal in connection with, any judgment, apply to the commission for an order directing payment out of the Real Estate Guaranty Fund of the amount unpaid upon the judgment, subject to the limitations stated in section 20-324a and the limitations specified in this section. The license of any such broker or salesperson shall be automatically revoked upon the entry of such judgment.

(c) The commission shall proceed upon such application in a summary manner, and, upon the hearing thereof, the aggrieved person shall be required to show: (1) He is not a spouse of the debtor or the personal representative of such spouse; (2) he has complied with all the requirements of this section; (3) he has obtained a judgment as provided in subsection (b) of this section, stating the amount thereof and the amount owing thereon at the date of the application; (4) he has caused to be issued a writ of execution upon the judgment and the officer executing the same has made a return showing that no personal or real property of the judgment debtor 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 judgment, stating the amount so realized and the balance remaining due on the judgment after application thereon of the amount realized; (5) he has made all reasonable searches and inquiries to ascertain whether the judgment debtor possesses real or personal property or other assets, liable to be sold or applied in satisfaction of the judgment; (6) that by such search he has discovered no personal or real property or other assets liable to be sold or applied, or that he has discovered certain of them, describing them, owned by the judgment debtor and liable to be so applied, and that he has taken all necessary action and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized.

(d) Whenever the aggrieved person satisfies the commission that it is not practicable to comply with one or more of the requirements enumerated in subdivisions (4), (5) and (6) of subsection (c) of this

section and that the aggrieved person has taken all reasonable steps to collect the amount of the judgment or the unsatisfied part thereof and has been unable to collect the same, the commission may in its discretion waive such requirements.

(e) The commission shall order payment from the Real Estate Guaranty Fund of any sum it shall find to be payable upon the claim, pursuant to the provisions of and in accordance with the limitations contained in this section and section 20-324a, if the commission is satisfied, upon the hearing, of the truth of all matters required to be shown by the aggrieved person by subsection (c) of this section and that the aggrieved person has fully pursued and exhausted all remedies available to him for recovering the amount awarded by the judgment of the court.

(f) If the commission pays from the Real Estate Guaranty Fund any amount in settlement of a claim or toward satisfaction of a judgment against a licensed real estate broker or real estate salesperson pursuant to an order under subsection (e) of this section, such broker or salesperson shall not be eligible to receive a new license until he has repaid in full, plus interest at a rate to be determined by the commission and which shall reflect current market rates, the amount paid from the fund on his account. A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided in this subsection.

(g) If, at any time, the money deposited in the Real Estate Guaranty Fund is insufficient to satisfy any duly authorized claim or portion thereof, the commission shall, when sufficient money has been deposited in the fund, satisfy such unpaid claims or portions thereof, in the order that such claims or portions thereof were originally filed, plus accumulated interest at the rate of four per cent a year.

(1969, P.A. 525, S. 5; P.A. 76-436, S. 436, 681; P.A. 78-280, S. 1, 5, 127; P.A. 80-483, S. 88, 186; P.A. 82-422, S. 11, 14; P.A. 85-124, S. 3; P.A. 90-332, S. 20, 32; P.A. 95-158, S. 3; P.A. 96-200, S. 17; P.A. 98-10, S. 26.)

History: P.A. 76-436 replaced references to “court of competent jurisdiction” and to court of common pleas with references to superior court and added reference to judicial districts in Subsec. (b), effective July 1, 1978; P.A. 78-280 deleted reference to counties and replaced specific reference to Hartford county with “judicial district of Hartford-New Britain”; P.A. 80-483 replaced reference to “subsection (a)” in Subsec. (c) with “subsection (b)” and reference to “subsection (b)” in Subsec. (e) with “subsection (c)”; P.A. 82-422 amended section to provide for application by aggrieved person to commission and not court for order directing payment from fund, to provide for automatic revocation of license upon entry of court judgment, and to require interest at current market rates rather than at 4% per year; P.A. 85-124 amended Subsec. (a) by providing that notice to the commission of the commencement of an action tolls the time for the person making application to the commission; P.A. 90-332 specified “real estate” commission to differentiate it from the recently created real estate appraisal commission; P.A. 95-158 amended Subsec. (a) to allow the commission the option of waiving the required written notice for good cause shown; P.A. 96-200 substituted “salesperson” for “salesman”; P.A. 98-10 made technical changes.

Cited. 189 C. 162; 192 C. 439.

Subsec. (a):

When read together with Sec. 20-324g, court construed statute as giving commission only a derivative party status in the plenary action. 189 C. 162.

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Sec. 20-324f. Penalty for false or untrue claim. Any person filing with the commission any notice, statement or other document required under the provisions of section 20-324e which is false or untrue or contains any material misstatement of fact shall be fined not less than two hundred dollars.

(1969, P.A. 525, S. 6; P.A. 90-332, S. 21, 32; P.A. 98-10, S. 27.)

History: P.A. 90-332 specified “real estate” commission to differentiate it from the recently created real estate appraisal commission; P.A. 98-10 made a technical change.

Cited. 189 C. 162; 192 C. 439.

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Sec. 20-324g. Procedure for commission. When the commission receives notice, as provided in section 20-324e, it may enter an appearance, file an answer, appear at the court hearing, defend the action or take whatever other action the commission may deem appropriate on the behalf and in the name of the defendant and take recourse through any appropriate method of review or appeal on behalf and in the name of the defendant.

(1969, P.A. 525, S. 7; P.A. 90-332, S. 22, 32; P.A. 98-10, S. 28.)

History: P.A. 90-332 specified “real estate” commission to differentiate it from the recently created real estate appraisal commission; P.A. 98-10 made technical changes.

Cited. 189 C. 162; 192 C. 439.

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Sec. 20-324h. Payment from guaranty fund. When the commission has caused to be paid from the Real Estate Guaranty Fund any sum to the judgment creditor, the commission shall be subrogated to all of the rights of the judgment creditor up to the amount paid, and the judgment creditor shall assign all of his right, title and interest in the judgment up to such amount paid to the commission, and any amount and interest recovered by the commission on the judgment shall be deposited to the fund.

(1969, P.A. 525, S. 8; P.A. 85-124, S. 2; P.A. 90-332, S. 23, 32; P.A. 98-10, S. 29.)

History: P.A. 85-124 removed the provision that payment from the fund by the commission is triggered by a court order; P.A. 90-332 specified “real estate” commission to differentiate it from the recently created real estate appraisal commission; P.A. 98-10 made technical changes.

Cited. 192 C. 439.

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Sec. 20-324i. Regulations. The Commissioner of Consumer Protection, with the advice and assistance of the commission, may adopt regulations, in accordance with chapter 54, to carry out the provisions of sections 20-324a to 20-324j, inclusive.

(1969, P.A. 525, S. 9; P.A. 77-614, S. 230, 610; P.A. 90-332, S. 24, 32; P.A. 98-10, S. 30; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.)

History: P.A. 77-614 transferred power to make regulations from commission to consumer protection commissioner, retaining commission in an advisory capacity, and substituted “adopt” for “promulgate”, effective January 1, 1979; P.A. 90-332 specified “real estate” commission to differentiate it from the recently created real estate appraisal commission; P.A. 98-10 made technical changes; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

Cited. 192 C. 439.

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Sec. 20-324j. Appeal of commission decision, order or regulation. Any person aggrieved by any decision, order or regulation of the commission under sections 20-324a to 20-324i, inclusive, may appeal in accordance with the provisions of section 20-322.

(1969, P.A. 525, S. 10; P.A. 90-332, S. 25, 32; P.A. 98-10, S. 31.)

History: P.A. 90-332 specified “real estate” commission to differentiate it from the recently created real estate appraisal commission; P.A. 98-10 made technical changes.

Cited. 192 C. 439.

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Sec. 20-324k. Brokers to maintain escrow or trust account for certain moneys held. Disputed deposits.

(a) Each broker licensed under the provisions of this chapter, who in the course of his real estate business receives, accepts and holds any moneys on behalf of any principal, client or other person shall at all times maintain a separate escrow or trust account, distinct from his own account, in a bank of his choice doing business in this state, for the deposit of all such moneys so received by him.

(b) The commission may examine and audit any escrow or trust account maintained by any broker in accordance with the provisions of subsection (a) of this section whenever the commission shall deem such examination and audit necessary.

(c) Any broker who, in the course of his real estate business and in connection with any transaction, accepts from any principal, client or other person any moneys to which he is not personally and legally entitled, including, but not limited to, any down payment, earnest money, deposit, rental money, rental security deposit or other money to be held by him in trust, shall deposit such moneys in

his escrow or trust account within three banking days of the date the agreement evidencing such transaction is signed by all necessary parties to such transaction, pending final legal disposition of such moneys in accordance with the instructions of the person legally entitled to such moneys.

(d) Upon motion, the court may order a party to an action who is a broker holding funds in trust in connection with a real estate transaction to deposit with the court certified funds in an amount not to exceed the funds held in trust. Conditioned upon the receipt of such certified funds, the court shall also order the dismissal of any claim against the broker which claim is based solely on the broker's role as stakeholder of such funds.

(e) Any broker who wilfully violates any provision of this section shall be fined not more than one thousand dollars or imprisoned not more than six months or both.

(1971, P.A. 359, S. 1-4; P.A. 83-512, S. 1; P.A. 87-63, S. 1, 2; 87-589, S. 26, 87; P.A. 96-105; P.A. 98-10, S. 32.)

History: P.A. 83-512 amended Subsec. (d) to increase the maximum fine from \$500 to \$1,000; P.A. 87-63 amended Subsec. (c) to require the deposit of moneys in the escrow or trust account within three banking days of the date the agreement evidencing the transaction is signed by all the parties; P.A. 87-589 made technical change in Subsec. (c); P.A. 96-105 inserted new Subsec. (d) to allow court orders re broker-held funds, relettering former Subsec. as (e); P.A. 98-10 made technical changes.

See Sec. 8-265f re program for use of interest earned on real estate broker escrow or trust accounts for mortgage assistance for first-time buyers.

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Sec. 20-325. Engaging in business without license. Any person who engages in the business of a real estate broker or real estate salesperson without obtaining a license as provided in this chapter shall be fined not more than one thousand dollars or imprisoned not more than six months or both, and shall be ineligible to obtain a license for one year from the date of conviction of such offense, except that the commission, in its discretion, may grant a license to such person within such one-year period upon application and after a hearing on such application.

(1953, 1955, S. 2356d; 1957, P.A. 62, S. 1; P.A. 83-512, S. 3; P.A. 88-329, S. 11, 15; P.A. 90-332, S. 26, 32; P.A. 91-229, S. 14, 19; P.A. 93-354, S. 20, 54; P.A. 94-36, S. 41, 42; P.A. 96-200, S. 18; P.A. 98-10, S. 33.)

History: P.A. 83-512 increased the maximum fine from \$500 to \$1,000; P.A. 88-329 made penalty for engaging in business without a license applicable to real estate appraisers and residential appraisers, and added a new Subsec. (b) prohibiting persons not licensed from representing themselves as licensed real estate appraisers or residential appraisers, effective July 1, 1989; P.A. 90-332 amended section to include references to the real estate commission and the real estate appraisal commission and to add provisions re certification for general certified and residential certified appraisers; P.A. 91-229 deleted all references to general certified and residential certified appraisers; P.A. 93-354 deleted former Subsec. (b) prohibiting person who is not licensed or certified appraiser from representing himself as one and imposing penalty for violation of provisions, deleting references to real estate appraisal commission and to certification and making necessary technical changes in

remaining provisions, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 96-200 substituted “salesperson” for “salesman”; P.A. 98-10 made technical changes.

Cited. 34 CA 250; 36 CA 653.

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Sec. 20-325a. Actions to recover commissions arising out of real estate transactions. Real estate broker’s lien for real property. Claim for lien. Provisions re commercial real estate transactions. (a) No person who is not licensed under the provisions of this chapter, and who was not so licensed at the time the person performed the acts or rendered the services for which recovery is sought, shall commence or bring any action in any court of this state, after October 1, 1971, to recover any commission, compensation or other payment with respect to any act done or service rendered by the person, the doing or rendering of which is prohibited under the provisions of this chapter except by persons duly licensed under this chapter.

(b) No person, licensed under the provisions of this chapter, shall commence or bring any action with respect to any acts done or services rendered after October 1, 1995, as set forth in subsection (a), unless the acts or services were rendered pursuant to a contract or authorization from the person for whom the acts were done or services rendered. To satisfy the requirements of this subsection any contract or authorization shall: (1) Be in writing, (2) contain the names and addresses of the real estate broker performing the services and the name of the person or persons for whom the acts were done or services rendered, (3) show the date on which such contract was entered into or such authorization given, (4) contain the conditions of such contract or authorization, (5) be signed by the real estate broker or the real estate broker’s authorized agent, (6) if such contract or authorization pertains to any real property, include the following statement: “THE REAL ESTATE BROKER MAY BE ENTITLED TO CERTAIN LIEN RIGHTS PURSUANT TO SECTION 20-325a OF THE CONNECTICUT GENERAL STATUTES”, and (7) be signed by the person or persons for whom the acts were done or services rendered or by an agent authorized to act on behalf of such person or persons, pursuant to a written document executed in the manner provided for conveyances in section 47-5, except, if the acts to be done or services rendered involve a listing contract for the sale of land containing any building or structure occupied or intended to be occupied by no more than four families, the listing contract shall be signed by the owner of the real estate or by an agent authorized to act on behalf of such owner pursuant to a written document executed in the manner provided for conveyances in section 47-5.

(c) Notwithstanding the provisions of subsection (b) of this section, no person licensed under the provisions of this chapter shall commence or bring any action with respect to any acts done or services rendered after October 1, 2000, in a commercial real estate transaction, unless the acts or services were rendered pursuant to (1) a contract or authorization meeting the requirements of subsection (b) of this section, or (2) a memorandum, letter or other writing stating for whom the licensee will act or has acted, signed by the party for whom the licensee will act or has acted in the commercial real estate transaction, the duration of the authorization and the amount of any compensation payable to the licensee, provided (A) the licensee provides written notice to the party, substantially similar to the following: “THE REAL ESTATE BROKER MAY BE ENTITLED TO CERTAIN LIEN RIGHTS PURSUANT TO SECTION 20-325a OF THE CONNECTICUT

GENERAL STATUTES”, and (B) the notice is provided at or before the execution of the contract, authorization, memorandum, letter or other writing, and may be made part of the contract, authorization, memorandum, letter or other writing.

(d) Nothing in subsection (a) of this section, subdivisions (2) to (7), inclusive, of subsection (b) of this section or subsection (c) of this section shall prevent any licensee from recovering any commission, compensation or other payment with respect to any acts done or services rendered, if it would be inequitable to deny such recovery and the licensee (1) has substantially complied with subdivisions (2) to (7), inclusive, of subsection (b) of this section or (2) with respect to a commercial real estate transaction, has substantially complied with subdivisions (2) to (6), inclusive, of subsection (b) of this section or subdivision (2) of subsection (c) of this section.

(e) A licensed real estate broker who has performed acts or rendered services relating to real property upon terms provided for in a written contract or agreement between the broker and the owner or buyer for whom such acts were done or services rendered shall have a lien upon such real property. The lien shall be in the amount of the compensation agreed upon by the broker and the owner or buyer for whom such acts were performed or services rendered.

(f) Except as provided in subsections (g), (h) and (i) of this section, the lien provided for in this section shall not attach until the broker is entitled to compensation, without any contingencies, other than closing or transfer of title, under the terms set forth in the written listing or buyer representation contract and the broker has recorded the claim for lien prior to the actual conveyance or lease of such real property with the town clerk of the town where such property is located.

(g) Except as provided in subsection (h) of this section, when a broker is entitled to compensation in installments, a portion of which is due only after the conveyance or lease of the real property, any claim for lien for those payments due after the conveyance or lease may be recorded at any time subsequent to the conveyance or lease of the real property and prior to the date on which the payment is due but shall only be effective as a claim for lien against the real property to the extent moneys are still owed to the transferor or lessor by the transferee or lessee. A single claim for lien recorded prior to conveyance or lease of the real property claiming all moneys due under an installment payment agreement shall not be valid or enforceable as it pertains to payments due after the conveyance or lease. The lien shall attach as of the recording of the claim for lien.

(h) In the case of a lease for real property where the broker's compensation will not be paid in installments, the claim for lien must be recorded no later than thirty days after the tenant takes possession of the leased premises unless written notice of the intended signing of the lease is delivered to the broker entitled to claim a lien by registered or certified mail, return receipt requested, or by personal service, at least ten days prior to the date of the intended signing of the lease for the real property in which case the claim for lien must be recorded before the date indicated for the signing of the lease in the notice delivered to the broker. The lien shall attach as of the recording of the claim for lien.

(i) If a broker's written contract for payment is with a prospective buyer, then the lien shall attach only after the prospective buyer accepts the conveyance or lease of the real property and the claim for lien is recorded by the broker with the town clerk of the town in which the property is located. Any claim for lien shall be filed by the broker no later than thirty days after the conveyance or the tenant takes possession of the real property.

(j) The broker shall serve a copy of the claim for lien on the owner of the real property. Service shall be made by mailing a copy of the claim for lien by registered or certified mail, return receipt requested, or by personal service upon the owner by any indifferent person, state marshal or other proper officer, by leaving with such owner or at the owner's usual place of abode a true and attested copy thereof. A copy of the claim for lien may be served at the same time as the notice required by subsection (r) of this section. The broker's lien shall be void and unenforceable if recording does not occur within the time period and in the manner required by this section.

(k) (1) A broker may bring suit to enforce a claim for lien in the superior court in the judicial district where the real property is located by filing a complaint and sworn affidavit that the claim for lien has been recorded in accordance with this section.

(2) A person claiming a lien shall, unless the claim is based upon an option to purchase the real property, within one year after recording the claim for lien, commence foreclosure by filing a complaint. Failure to commence foreclosure within one year after recording the lien shall extinguish the lien. No subsequent claim for lien may be given for the same claim nor may that claim be asserted in any proceedings under this section.

(3) A person claiming a lien based upon an option to purchase real property shall, within six months after the conveyance or lease of the real property under the exercise of the option to purchase, commence foreclosure by filing a complaint and a sworn affidavit that the claim for lien has been recorded in accordance with this section. Failure to commence foreclosure within six months after the conveyance or lease shall extinguish the claim for lien. No subsequent claim for lien may be given for the same claim nor may that claim be asserted in any proceedings under this section.

(4) The plaintiff shall issue summons and provide service as in actions to foreclose a mortgage. When any defendant resides out of the state or is temporarily located out of the state, or on inquiry cannot be found, or is concealed within this state so that process cannot be served on that defendant, the plaintiff shall cause a notice to be given to that defendant, or cause a copy of the complaint to be served upon that defendant, in the manner and upon the same conditions as in actions to foreclose a mortgage. Except as otherwise provided in this section, all liens claimed under this section shall be foreclosed in the manner in which mortgage foreclosures are conducted.

(l) The claim for lien shall state the name of the claimant, the name of the owner, a description of the real property upon which the lien is being claimed, the amount for which the lien is claimed, and the real estate license number of the broker. The claim for lien shall contain a sworn statement by the signatory that the information contained in the notice is true and accurate to the knowledge of the signatory. The claim for lien shall be signed by the broker or the real estate broker's authorized agent.

(m) Whenever a claim for lien has been recorded with the town clerk and a condition occurs that would preclude the broker from receiving compensation under the terms of the broker's written contract or agreement, the broker shall provide within thirty days of demand to the owner of record a written release or satisfaction of the lien.

(n) Upon written demand of the owner or the owner's authorized agent, served on the broker claiming the lien requiring suit to be commenced to enforce the lien, a suit shall be commenced within forty-five days thereafter or the claim for lien shall be extinguished. Service of any such written demand shall be by registered or certified mail, return receipt requested, or by personal service upon the broker by any indifferent person, state marshal or other proper officer, by leaving with such broker

or at the broker's usual place of abode a true and attested copy thereof.

(o) Whenever a claim for lien has been recorded with the town clerk and is paid, or where there is failure to foreclose to enforce the lien within the time provided by this section, the broker shall acknowledge satisfaction or release the claim for lien, in writing, on written demand of the owner within thirty days after payment or expiration of the time in which to commence foreclosure on the lien.

(p) Except as otherwise provided in this section, whenever a claim for lien has been recorded with the town clerk that would prevent the closing of a conveyance or lease, an escrow account shall be established from the proceeds of the conveyance or lease in the amount of the compensation agreed upon by the parties. Upon the establishment of the escrow account the broker shall immediately release the claim for lien. The establishment of an escrow account, as provided for in this section, shall not be the sole cause for the owner to refuse to complete the conveyance or lease. The moneys shall be held in escrow by the attorney for the lessor in the case of a lease for real property, and by the attorney for the owner in the case of the actual conveyance or lease of such real property, until the parties' rights to the escrowed moneys have been determined by the written contract or agreement of the parties, a determination by the Superior Court, or some other process which may be agreed to by the parties. When there are sufficient funds in the amount of the claimed lien, there shall be a release of the claim for lien which would allow completion of the conveyance or lease on such terms as are acceptable to the parties involved in the conveyance or lease. If the proceeds from the conveyance or lease are insufficient to release all liens claimed against the real property, including the broker's claim for lien, then the parties are not required to establish the escrow account under this section.

(q) The provisions of subsections (a) and (b) of this section shall not apply to any (1) person excepted from the provisions of this chapter by section 20-329 with respect to any acts performed by the person which are included in such exception; or (2) real estate broker or real estate salesperson who has provided services to the federal government, any political subdivision thereof, or any corporation, institution or quasi-governmental agency chartered by the federal government.

(r) No broker is entitled to claim any lien under this section unless (1) after the broker is entitled to compensation, without contingencies other than closing or transfer of title, under the terms set forth in the written contract and not later than three days prior to the later of the date of the conveyance or lease as set forth in the real estate sales contract or lease or the actual date of the conveyance or the date when the tenant takes possession, the broker gives written notice of the claim for lien to the owner of the real property and to the prospective buyer or tenant that the broker is entitled to compensation under the terms set forth in the written contract and intends to claim a lien on the real property, or (2) the broker is unable to give written notice pursuant to subdivision (1) of this subsection because the identity of the prospective buyer or tenant cannot be ascertained by the broker after due diligence and reasonable effort. The notice shall be served upon the owner and upon the prospective buyer or tenant by any indifferent person, state marshal or other proper officer, by leaving with such owner and prospective buyer or at their usual places of abode a true and attested copy thereof. When there are two or more owners, or two or more prospective buyers, the notice shall be served on each owner and on each prospective buyer unless the identity of the prospective buyer cannot be ascertained by the broker after due diligence and reasonable effort.

(1971, P.A. 378, S. 1-3; 1972, P.A. 175; P.A. 73-29; P.A. 84-137; P.A. 85-166, S. 1, 2; P.A. 93-355, S. 1; P.A. 94-240, S. 3, 14; P.A. 95-164; 95-186, S. 1; P.A. 00-21, S. 1; 00-99, S. 58, 154; 00-160, S. 2; P.A. 02-24, S. 12, 13; P.A. 04-131, S. 1.)

History: 1972 act deleted word “such” in Subsec. (b) modifying “person”, “action” and “acts”; P.A. 73-29 made Subsec. (b) applicable to persons “licensed under the provisions of this chapter” and added phrase “as set forth in subsection (a)”; P.A. 84-137 amended Subsec. (b) to require that the authorization or contract be signed by the seller or his duly authorized agent and the broker or his authorized agent rather than by the “parties thereto”; P.A. 85-166 amended Subsec. (b) to require that the contract or authorization be signed by the owner, rather than the seller, and clarified the scope of authority of any agent permitted to act on his behalf; P.A. 93-355 added provisions re real estate broker’s liens on commercial real property as Subsec. (b)(6) and Subsecs. (c) to (n), inclusive, and Subsec. (p), relettering former Subsec. (c) as (o); P.A. 94-240 amended Subsec. (b) by requiring that contract be signed by the real estate broker or the broker’s authorized agent, added a new Subsec. (b)(6) requiring a lien rights statement to be included in a commercial real property contract or authorization and (b)(7) requiring the listing contract for the sale of real estate be signed by the owner of the property or an agent authorized to act on his behalf, inserted new Subsec. (c) regarding the recovery of commission, compensation or other payment with respect to acts done or services rendered if the broker has substantially complied, relettered the remaining Subsecs., redefined “commercial real property” in Subsec. (d), added a provision in Subsec. (i) regarding the service of a claim for lien and made minor changes for clarity, effective July 1, 1994; P.A. 95-164 amended Subsec. (b)(7) to eliminate the requirement that the listing contract for the sale of real estate be signed by the owner of the property or an agent authorized to act on his behalf and substituted a provision requiring a signature by the person or persons for whom the acts were done or services rendered, except in the sale of land intended for residential use, in which case the owner of the real estate or an authorized agent is required to sign the contract; P.A. 95-186 amended Subsec. (b) by changing the applicable date from July 1, 1994, to October 1, 1995, deleted references to “commercial real property” and substitute “any real property” in Subsecs. (b), (d) to (k), inclusive, (o) and (q), in Subsec. (d) deleted definition of “commercial real property” and in Subsec. (h) made a technical correction by changing the reference to “(8)” to “(q)”; P.A. 00-21 amended Subsecs. (a), (b) and (c) by substituting “the person” for “him” and “he” and substituting “with respect to” for “in respect of”; P.A. 00-99 replaced references to sheriff with state marshal in former Subsecs. (i), (m) and (q), redesignated as Subsecs. (j), (n) and (r), effective December 1, 2000; P.A. 00-160 deleted reference to Sec. 20-325a(d) in Subsec. (b), inserted new Subsec. (c) re commercial real estate transactions, redesignated former Subsecs. (c) to (q), inclusive, as Subsecs. (d) to (r), respectively, amended Subsec. (d) to insert proviso re inequity of denying recovery and provisions re substantial compliance with certain provisions of section with respect to commercial real estate transaction, substituted “owner or buyer” for “owner” in Subsec. (e), amended Subsec. (f) to substitute “written listing or buyer representation contract” for “written contract”, amended Subsec. (r) to require written notice after the later of the conveyance date set forth in the contract or lease or the actual date of conveyance or date when the tenant takes possession, and substituted “with respect to” for “in respect of” in Subsecs. (a), (b) and (d) and made other technical changes throughout the section; P.A. 02-24 amended Subsec. (b)(7) to provide that the listing contract be signed for acts or services that involve a listing contract, and made technical changes in Subsecs. (c) and (r); P.A. 04-131 amended Subsec. (g) to delete “from the owner of real property” re broker entitled to compensation and referenced the lessor or lessee re moneys still owed, amended Subsec. (h) to add “where the broker’s compensation will not be paid in installments”, amended Subsec. (k) to add Subdiv. designators (1) to (4), inclusive, and amended Subdiv. (3) to add “real property” re purchase and substitute “six months after the conveyance or lease” for “this time”, amended Subsec. (l) to allow claim for lien to be signed by real estate broker’s authorized agent, inserted Subdiv. designators (1) and (2) in Subsec. (q), amended Subsec. (r) to insert Subdiv. designators (1) and (2), insert in Subdiv. (2) an exception if broker is unable to give written notice because identity cannot be ascertained after due diligence and reasonable

effort, make conforming changes and substitute “prospective buyer” for “buyer”, and made technical changes in Subsecs. (e), (i), (k), (n), (p), (q), and (r).

See Sec. 20-325e re hearings re commercial real property claims for liens, foreclosures and judicial intervention.

See Sec. 20-325k re commissions on commercial real estate lease transactions.

Section pertains only to listing contracts and not to the sales contract. 186 C. 82. Plaintiff’s cause of action arose out of his employment contract with defendant and was not an action seeking to recover a commission from a real estate transaction. 190 C. 808. Cited. 191 C. 276; 203 C. 475; 213 C. 612; 218 C. 512; 232 C. 645; 236 C. 746. Although plaintiff, a corporate broker licensee, was not duly licensed as a real estate broker because its president was not licensed as a real estate broker, trial court improperly granted summary judgment on the ground that plaintiff’s license was automatically void, which alone was insufficient to deprive plaintiff of its right to recover a commission; trial court failed to consider language and legislative history of former Subsec. (c), which permits licensee who is not duly licensed to recover if, in light of all facts and circumstances of the case, it would be inequitable to deny the right to recover commission that was otherwise earned. 273 C. 766. Section eliminates a separate equitable recovery under common law theory of unjust enrichment; substantial compliance requirement in Subsec. (d) is sole avenue to recovery that legislature chose to provide in circumstances wherein strict construction of section would lead to unfair results of unjust enrichment. 287 C. 706.

Cited. 6 CA 720; 7 CA 709; 9 CA 293. Agreement between brokers is not subject to requirements of statute. 11 CA 557. Cited. 13 CA 527; 17 CA 294; 24 CA 250; 25 CA 51; 28 CA 563; 31 CA 682; 35 CA 31; 36 CA 653. Requirements of statute mandatory except where equitable estoppel applies and real estate broker believed the contract was validly extended. 50 CA 640. Trial court’s determination that plaintiff had not established the statutorily required inequity in denying recovery of commission was not clearly erroneous or an abuse of discretion. 69 CA 220. Electronic mail correspondence that identified obligation to compensate realtor for services and contained names of both real estate broker and person for whom services were rendered and that was signed by such person complied with requirements of section. 133 CA 445.

Section acts as a restriction on the conduct of an occupation which, were it not for statute, would be allowed, and must be strictly construed. 35 CS 220. Cited. 38 CS 509; 41 CS 225.

Subsec. (a):

Cited. 215 C. 316; 218 C. 396. Although section sets forth a necessary condition for filing action to recover a commission, namely, that person filing action be licensed under chapter’s provisions, compliance with that condition is not, in and of itself, sufficient to permit recovery. 266 C. 572.

Cited. 3 CA 675; 5 CA 76.

Subsec. (b):

Cited. 178 C. 381; 184 C. 228; 185 C. 463; 186 C. 74. Requirements of section apply to listing contract, not sales contract. *Id.*, 237. Cited. 189 C. 52. Requirements of statute concerning actions to recover real estate commissions are not applicable to action by real estate salesman seeking a share of commissions from his employer. 190 C. 808. Cited. 197 C. 264; 213 C. 612. “Owner” as used in

Subsec. refers to owner of the property interest that is the subject of the listing agreement. 232 C. 645. Requirement that the agent signatory to a listing agreement be authorized by written document to act on behalf of the owner applies where owner may act individually or through an agent and chooses to act through an agent. 258 C. 121.

Cited. 7 CA 120; 8 CA 371; 9 CA 87. Subdiv. (4): Location and price of units not necessary in order to state "conditioning of such contract or authorization" in this instance where owner reserved right to determine price and specific unit. Id., 293. Cited. 23 CA 688. Listing agreement was unenforceable because it was not in strict compliance with statute and did not reflect any authorization for general partners to sign as agents authorized to act on behalf of the owner; statute, as amended by P.A. 94-240 which permits recovery of commissions in cases of substantial compliance with statute, applies prospectively only because there is no clear and unequivocal language in act or legislative history that supports an inference in favor of retrospective application. 56 CA 815. Where listing agreement was mistakenly filled in but was nevertheless signed by the authorized agent of the broker, held that agreement complied with section. 75 CA 546. Subdiv. (7): Although decedent had not signed the listing agreement, by application of exception set forth in Subsec. (d), plaintiff was not precluded from recovering real estate commission. 124 CA 752.

Separate documents, rather than a single contract, may collectively meet statutory requirements of Subsec. 35 CS 24. Cited. Id., 220. Action by broker to recover commission prohibited due to failure to comply with requirement that addresses of all parties be contained in contract. Id., 617. Merely obtaining a binding executory contract is insufficient to entitle broker to a commission where the commission was expressly made dependent upon the actual sale of the property; broker was not entitled to a commission where the listing agreement made the commission conditional upon the actual consummation of the sales transaction and the sale never took place. 36 CS 532. Cited. 37 CS 703; 38 CS 703. Legislature in enacting statute made no distinction between straight real estate sales and those integrated with commercial transactions. 39 CS 95.

Subsec. (d):

Substantial compliance allowance under Subsec. contemplates written agreements only. 287 C. 706.

On basis of Subsec., it would be inequitable to deny plaintiff recovery on basis of mistaken name of the partnership in an exclusive agreement with respect to commercial real property. 88 CA 445.

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Sec. 20-325b. Certain real estate agreements to contain notice regarding commissions. Requirements. Each written agreement which fixes the compensation to be paid to a real estate broker for the sale, lease or purchase of real property shall contain the following statement in not less than ten point boldface type or in a manner which otherwise stands out significantly from the text immediately preceding any provision of such agreement relating to compensation of the broker:

“NOTICE: THE AMOUNT OR RATE OF REAL ESTATE BROKER COMPENSATION IS NOT FIXED BY LAW. IT IS SET BY EACH BROKER INDIVIDUALLY AND MAY BE NEGOTIABLE BETWEEN YOU AND THE BROKER.”

(P.A. 80-99, S. 1, 2; P.A. 81-178, S. 2, 3; P.A. 94-240, S. 4, 14.)

History: P.A. 81-178 provided that real estate agreements may include the required notice in a conspicuous manner rather than use ten-point boldface type; P.A. 94-240 applied section to compensation for lease or purchase properties, substituted “broker compensation” for “commissions” and made certain minor technical corrections for clarity, effective July 1, 1994.

Cited. 213 C. 612.

Cited. 7 CA 570; 13 CA 527.

Cited. 41 CS 225.

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Sec. 20-325c. Real estate broker or salesperson acting as mortgage broker. (a) As used in this section “residential real property” means one to four-family residential real estate located in this state.

(b) Notwithstanding any provision of the general statutes to the contrary, no real estate broker or real estate salesperson, and no person affiliated with such broker or salesperson, who receives a fee, commission or other valuable consideration for the sale of residential real property, may receive a fee, commission or other valuable consideration for negotiating, soliciting, arranging, placing or finding a first mortgage loan for the buyer in connection with the same sale unless disclosure is made in accordance with the provisions of subsection (c) of this section. Any fee, commission or other valuable consideration received by such broker or salesperson for negotiating, soliciting, arranging, placing or finding a first mortgage loan shall (1) be related to the services actually performed, as determined by the Banking Commissioner by regulations adopted pursuant to chapter 54, (2) not be imposed for the referral of the buyer to the mortgage lender by such broker or salesperson, and (3) be paid directly to the broker or salesperson by the buyer rather than from the mortgage loan proceeds at the time of closing.

(c) Any disclosure made pursuant to subsection (b) of this section shall be made to and acknowledged by the buyer prior to the time the buyer signs a contract with the real estate broker or salesperson for mortgage brokering services. Such disclosure shall include the following notice printed in at least ten-point boldface capital letters:

I UNDERSTAND THAT THE REAL ESTATE BROKER OR SALESPERSON IN THIS TRANSACTION HAS OFFERED TO ASSIST ME IN FINDING A MORTGAGE LOAN. ADDITIONALLY, I UNDERSTAND THAT THIS REAL ESTATE BROKER OR SALESPERSON DOES NOT REPRESENT ANY PARTICULAR MORTGAGE LENDER AND WILL ATTEMPT TO OBTAIN THE BEST TERMS AVAILABLE WITHIN THE MORTGAGE LOAN MARKET FOR MY SPECIFIC HOME FINANCING NEEDS. IF THE REAL ESTATE BROKER OR SALESPERSON DOES NOT FULFILL HIS FIDUCIARY OBLIGATION I MAY FILE A COMPLAINT WITH THE DEPARTMENT OF BANKING. I ALSO UNDERSTAND THAT I MAY ATTEMPT TO FIND A MORTGAGE LOAN TO FINANCE THE PURCHASE OF MY HOME WITHOUT THE ASSISTANCE OF THE REAL ESTATE BROKER OR SALESPERSON IN WHICH CASE I WILL NOT BE OBLIGATED TO PAY A FEE TO THE REAL ESTATE BROKER OR SALESPERSON.

(d) No mortgage lender may refuse to close a mortgage loan secured by residential real property

because the buyer has not paid a fee, commission or other valuable consideration to a real estate broker or salesperson for negotiating, soliciting, arranging, placing or finding the first mortgage loan.

(P.A. 89-347, S. 1; P.A. 94-240, S. 5, 14; P.A. 98-10, S. 34; P.A. 03-84, S. 16.)

History: P.A. 94-240 made certain changes to the text to make it more gender neutral, effective July 1, 1994; P.A. 98-10 made technical changes in Subsec. (b); P.A. 03-84 changed "Commissioner of Banking" to "Banking Commissioner" in Subsec. (b), effective June 3, 2003.

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Sec. 20-325d. Disclosure of representation. On and after January 1, 1995, a real estate broker or real estate salesperson licensed under this chapter, who is acting as an agent of the seller or lessor, shall make a written disclosure of whom he represents in a real estate transaction to prospective purchasers and lessees at the beginning of the first personal meeting concerning the prospective purchaser's or lessee's specific needs, unless such prospective purchaser or lessee is represented by another real estate broker or real estate salesperson licensed under this chapter. Such disclosure shall be signed by the prospective purchaser or lessee and attached to any offer or agreement to purchase or lease signed by the prospective purchaser or lessee. Whenever any real estate broker or real estate salesperson intends to act as an agent for the prospective purchaser or lessee, he shall disclose such intended representation to the seller or lessor at the beginning of the first personal meeting with the seller or lessor concerning the seller's or lessor's real property, unless such seller or lessor is represented by another real estate broker or real estate salesperson licensed under this chapter. On or before January 1, 1995, the Commissioner of Consumer Protection, shall adopt such regulations in accordance with chapter 54 as the commissioner deems necessary to carry out the provisions of this section.

(P.A. 90-306, S. 1, 15; P.A. 94-240, S. 6, 14; P.A. 97-41; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.)

History: P.A. 94-240 required that beginning January 1, 1995, salespersons acting on behalf of lessors shall make a written disclosure of who is represented in a real estate transaction and require this disclosure at the beginning of the first personal meeting concerning the prospective purchaser's or lessee's specific needs and if salesperson intends to represent the purchaser or lessee he shall disclose such intended representation at the beginning of the first personal meeting with the seller or lessor or the seller's or lessor's agent, effective July 1, 1994; P.A. 97-41 added exception re disclosure when prospective purchaser or lessee is represented by licensed real estate broker or salesperson, deleting references to seller's or lessor's agent; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

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Sec. 20-325e. Hearings re real property claims for liens. Foreclosures. Judicial intervention. (a) Whenever one or more real property claims for liens are placed upon any real estate pursuant to section 20-325a, the owner of the real estate, if no action to foreclose the claim is then pending before any court, may make application, together with a proposed order and summons, to the superior court

for the judicial district in which the lien may be foreclosed under the provisions of section 20-325a or to any judge thereof, that a hearing or hearings be held to determine whether the claim for lien or liens should be discharged or reduced. The court or judge shall thereupon order reasonable notice of the application to be given to the lienor or lienors named therein and, if the application is not made by all owners of the real estate as may appear of record, shall order reasonable notice of the application to be given to all other such owners, and shall set a date or dates for the hearing or hearings to be held thereon. If the lienor or lienors or any owner entitled to notice is not a resident of this state, the notice shall be given by personal service, registered or certified mail, publication or such other method as the court or judge shall direct. At least four days' notice shall be given to the lienor, lienors or owners entitled to notice prior to the date of the hearing.

(b) The application, order and summons shall be substantially in the following form:

**APPLICATION FOR DISCHARGE OR
REDUCTION OF REAL PROPERTY
CLAIM FOR LIEN**

To the Court of

The undersigned represents:

1. That is the owner of the real estate described in Schedule A attached hereto.
2. That the names and addresses of all other owners of record of such real estate are as follows:
3. That on or about, (date), (name of lienor) of (address of lienor) placed a real property claim for lien on such real estate and gave notice thereof.
4. That there is not probable cause to sustain the validity of such claim for lien (or: That such claim for lien is excessive).
5. That the applicant seeks an order for discharge (or reduction) of such claim for lien.

Name of Applicant

By

Attorney

ORDER

The above application having been presented to the court, it is hereby ordered, that a hearing be held thereon at a.m. and that the applicant give notice to the following persons: (Names and addresses of persons entitled to notice) of the pendency of said application and of the time when it will be heard by causing a true and attested copy of the application, and of this order to be served upon such persons by some proper officer or indifferent person on or before and that due return of such notice be made to this court.

Dated at this day of 20...

SUMMONS

To the state marshal of the county of or either constable of the town of, in said county,

Greeting:

By authority of the state of Connecticut, you are hereby commanded to serve a true and attested copy of the above application and order upon, of by leaving the same in such person's hands or at such person's usual place of abode (or such other notice as ordered by the court) on or before

Hereof fail not but due service and return make.

Dated at this day of 20...

Commissioner of the Superior Court

(1) The clerk upon receipt of all the documents in duplicate, if the clerk finds them to be in proper form, shall fix a date for a hearing on the application and sign the order of hearing and notice. An entry fee of twenty dollars shall then be collected and a copy of the original document shall be placed in the court file.

(2) The clerk shall deliver to the applicant's attorney the original of the documents for service. Service having been made, the original documents shall be returned to the court with the endorsement by the officer of such officer's actions.

(c) If an action for foreclosure of the claim for lien is pending before any court, any party to that action may at any time prior to trial, unless an application under subsection (a) of this section has previously been ruled upon, move that the claim for lien be discharged or reduced.

(d) No more than one application under subsection (a) of this section or motion under subsection (c) of this section shall be ruled upon with respect to any single real property claim for lien, except that this subsection shall not preclude an application or motion by a person not given notice of the prior application or not a party to the action at the time the prior motion was ruled upon.

(P.A. 93-355, S. 2; P.A. 95-186, S. 2; P.A. 98-10, S. 35; P.A. 00-99, S. 59, 154; P.A. 01-195, S. 23, 181.)

History: P.A. 95-186 deleted references to "commercial" real property; P.A. 98-10 made a technical change in Subsec. (d); P.A. 00-99 replaced reference to sheriff and deputy sheriff with state marshal in Subsec. (b), effective December 1, 2000 (Revisor's note: In 2001 the references in Subsec. (b) of this section to the date "19.." were changed editorially by the Revisors to "20.." to reflect the new millennium); P.A. 01-195 made technical changes in Subsec. (b) for purposes of gender neutrality, effective July 11, 2001.

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Sec. 20-325f. Broker subagency. Written consent of client required. Vicarious liability of principal. No real estate broker shall make any unilateral offer of subagency or agree to compensate, appoint, employ, cooperate with or otherwise affiliate with a subagent for the sale or purchase of real property without the informed written consent of the person whom the real estate broker represents. Such written consent shall contain the name and real estate license number of the real estate broker to be

appointed as the subagent and shall contain a statement notifying the person whom the real estate broker represents that the law imposes vicarious liability on the principal for the acts of the subagent.

(P.A. 96-159, S. 1, 4; P.A. 98-27, S. 1.)

History: P.A. 96-159 effective June 1, 1997, and applicable to all listing and buyer representation agreements executed on or after that date; P.A. 98-27 substituted “whom” for “for whom”.

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Sec. 20-325g. Dual agency consent agreements. Conclusive presumption of informed consent. There shall be a conclusive presumption that a person has given informed consent to a dual agency relationship with a real estate broker if that person executes a written consent in the following form prior to executing any contract or agreement for the purchase, sale or lease of real estate:

DUAL AGENCY CONSENT AGREEMENT

Property Address:

Seller(s) or Landlord(s):

Buyer(s) or Tenant(s):

(1) This Dual Agency Consent Agreement is an addendum to and make part of (check all that apply):

() Listing Agreement dated between brokerage firm and seller or landlord.

() Buyer or tenant agency agreement dated between brokerage firm and buyer or tenant.

(2) Seller and buyer (or landlord and tenant, as the case may be) hereby acknowledge and agree that (name of brokerage firm) is representing both buyer and seller (or landlord and tenant, as the case may be) in the purchase and sale (or lease) of the above referenced property and that brokerage firm has been and is now the agent of both seller and buyer (or landlord and tenant, as the case may be). Seller and buyer (or landlord and tenant, as the case may be) have both consented to and hereby confirm their consent to this dual representation.

(3) Seller and buyer (or landlord and tenant, as the case may be) agree: (A) The brokerage firm shall not be required to and shall not disclose to either buyer or seller (or landlord or tenant, as the case may be) any personal, financial or other confidential information to such other party without the express written consent of the party whose information is disclosed, other than information related to material property defects which are known to the brokerage firm and other information the brokerage firm is required to disclose by law. (B) The brokerage firm may not disclose: (i) To the buyer that the seller (landlord) will accept less than the asking or listed price, unless otherwise instructed to do so in writing by the seller (landlord); (ii) to the seller (landlord) that the buyer (tenant) can or will pay a price greater than the price submitted in a written offer to the seller (landlord), unless otherwise instructed to do so in writing by the buyer (tenant); (iii) the motivation of the seller or buyer (or landlord or tenant, as the case may be) for selling, buying or leasing property, unless otherwise instructed in writing by the respective party; or (iv) that a seller or buyer will agree to financing terms other than those offered, unless instructed in writing by the respective party.

(4) Property information available through the multiple listing service or otherwise, including listed and sold properties, which has been requested by either the seller or the buyer (or landlord or tenant, as the case may be) shall be disclosed to both seller and buyer (or landlord and tenant, as the case may be).

(5) Both parties are advised to seek competent legal and tax advice with regard to this transaction, and with regard to all documents executed in connection with this transaction, including this Dual Agency Consent Agreement.

I have read and understand the above agreement.

Buyer Seller Brokerage Firm

(Landlord) (Tenant)

....

(Authorized Representative)

....

(Company Name)

....

Date Date Date

(P.A. 96-159, S. 2, 4; P.A. 98-27, S. 3.)

History: P.A. 96-159 effective June 1, 1997, and applicable to all listing and buyer representation agreements executed on or after that date; P.A. 98-27 substituted “given informed consent” for “given his informed consent” and substituted “Buyer or tenant agency agreement” for “Buyer on tenant agency agreement”.

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Sec. 20-325h. Prohibitions on use or disclosure of confidential information. (a) No real estate licensee shall: (1) Reveal confidential information concerning a person whom the real estate licensee represented either as an agent, designated buyer agent or a designated seller agent; (2) use confidential information concerning that person to the person’s disadvantage; or (3) use confidential information

concerning that person for the real estate broker's or real estate salesperson's advantage or the advantage of a third party, except as required by legal process, as necessary to defend the real estate broker or real estate salesperson from allegations of wrongful or negligent conduct, or as necessary to prevent the commission of a crime.

(b) As used in this section, "confidential information" means facts concerning a person's assets, liabilities, income, expenses, motivations to purchase, rent or sell real property and previous offers received or made to purchase or lease real property which are not authorized by the client, a matter of general knowledge, part of a public record or file to which access is authorized pursuant to section 1-210 or otherwise subject to disclosure under any other provision of the general statutes or any regulation of Connecticut state agencies.

(P.A. 96-159, S. 3, 4; P.A. 98-10, S. 36; 98-27, S. 2; P.A. 99-229, S. 4.)

History: P.A. 96-159 effective June 1, 1997, and applicable to all listing and buyer representation agreements executed on or after that date (Revisor's note: References to "salesman" were replaced editorially by the Revisors with references to "salesperson" to conform section with changes enacted in public act 96-200); P.A. 98-10 made technical changes in Subsec. (b); P.A. 98-27 amended subsection (a) to substitute "whom" for "for whom"; P.A. 99-229 amended Subsec. (a) to delete reference to time after termination of an agency relationship, and to amend Subdiv. (1) to add "whom the real estate licensee represented either as an agent, designated buyer agent or designated seller agent" re a person whom the confidential information concerns, and amended Subsec. (b) to make "confidential information" mean facts which are not "authorized by the client" or a "matter of general knowledge".

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Sec. 20-325i. Designated buyer agents and seller agents. Any real estate broker, or a person licensed under this chapter authorized by such broker, may appoint, at the option of such broker or authorized person, one or more designated seller agents as additional agents for a seller or landlord or a designated buyer agent as an additional agent for a buyer or tenant. Such designation may be made with regard to a particular transaction only. Upon such designation, the responsibility to satisfy the respective duties as a seller's or landlord's agent or as a buyer's or tenant's agent shall be the primary responsibility of the individual so designated, who shall not be deemed a dual agent, except in the case of an individual designated to represent both a seller and buyer in the same transaction. Nothing in this section shall be construed to prohibit other forms of agency relationships allowed by law.

(P.A. 99-229, S. 2.)

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Sec. 20-325j. Regulations re appointment of designated buyer or seller agent. On or before October 1, 1999, the Commissioner of Consumer Protection shall adopt regulations, in accordance with the provisions of chapter 54, to prescribe (1) a form of written notice to be issued to the consumer upon the appointment of a designated seller agent or designated buyer agent, and (2) a form of written consent to be signed by all parties.

(P.A. 99-229, S. 3; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.)

History: June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

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Sec. 20-325k. Commercial real estate transactions. Notice of commission rights. (a) If a landlord or tenant in a commercial real estate transaction enters into an agreement pursuant to subsection (b) or (c) of section 20-325a for the payment of compensation, or the promise of payment, to a real estate broker in consideration for brokerage services rendered in connection with the consummation of a written lease, then notwithstanding any provision of law under which such compensation may otherwise be considered the personal obligation of the original landlord or tenant specifically named in the written lease, the agreement shall constitute a binding contractual obligation of such landlord or tenant, as the case may be, and the landlord's or tenant's grantees, successors and assigns. Upon any sale, transfer, assignment or other disposition, including, but not limited to, any such disposition by reason of the enforcement of a mortgage, lien, deed to secure debt or other security instrument of a landlord's interest in real property or upon any sale, assignment, transfer or other disposition of a tenant's leasehold interest, the succeeding party shall be bound for all obligations under such agreement accruing after the sale, transfer, assignment or other disposition with the same effect as if such succeeding party had expressly assumed the landlord's or tenant's obligations relating to the written agreement if: (1) The real estate broker has complied with the provisions of subsections (b) to (d), inclusive, of this section; (2) the succeeding party assumes the benefits of the tenancy; and (3) the agreement has not been waived in writing by the real estate broker.

(b) A real estate broker shall be entitled to the protections afforded by this section only upon the broker's recording a notice of commission rights in the land records in the office of the town clerk in the town in which the real property or leasehold interest is located not later than thirty days after the execution of the lease or the tenant's occupancy of the leased premises, whichever is later. The notice of commission rights shall (1) be filed before conveyance of the real property, (2) be signed by the real estate broker or by a person expressly authorized to sign on behalf of the broker, and (3) be in substantially the following form:

NOTICE OF COMMISSION RIGHTS

The undersigned licensed Connecticut real estate broker does hereby publish this NOTICE OF COMMISSION RIGHTS to establish that the lease referenced below was procured by a real estate broker pursuant to a written brokerage commission agreement providing for the payment or promise of payment of compensation for brokerage services.

Owner:

Landlord:

Tenant:

Lease date:

Lease term:

Project or building name (if any):

Real estate broker name

Address

Telephone number

Real estate license number

(c) Not later than thirty days after the real estate broker receives final payment of commissions due under the written brokerage commission agreement, the real estate broker shall provide the owner, tenant or mortgagee a statement, in a form suitable for recording on the land records, that indicates that the broker's commission rights are terminated.

(d) Notwithstanding any provision of this section, nothing in this section shall be construed to create a lien on the real property that is the subject of the lease.

(P.A. 01-88.)

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Sec. 20-325*l*. Cooperation with out-of-state brokers and salespersons regarding commercial real estate transactions in this state. (a) As used in this section: (1) "Licensed broker" means a person licensed under this chapter as a real estate broker, (2) "licensed salesperson" means a person licensed under this chapter as a real estate salesperson, (3) "out-of-state broker" means a person licensed in another state as a real estate broker who is not licensed as a real estate broker under this chapter, (4) "out-of-state salesperson" means a person licensed in another state as a real estate salesperson who is not licensed as a real estate salesperson under this chapter, (5) "person" means a person, as defined in section 20-311, and (6) "advertising" means advertising, as defined in section 20-329a.

(b) An out-of-state broker may perform acts with respect to a commercial real estate transaction that require a license under this chapter, provided the out-of-state broker complies with the laws of this state with respect to the transaction and:

(1) Works in cooperation with a licensed broker, whether in a cobrokerage, referral or other cooperative agreement or arrangement;

(2) Enters into a written agreement with a licensed broker that includes the terms of cooperation and any compensation to be paid by the licensed broker and a statement that the out-of-state broker and the out-of-state broker's agents will comply with the laws of this state;

(3) Provides the licensed broker a copy of the out-of-state broker's license or other proof of licensure from the jurisdictions where the out-of-state broker maintains a license as a real estate broker; and

(4) Deposits all escrow funds, security deposits, and other money received pursuant to the commercial real estate transaction to be held as provided in section 20-324k unless the agreement required in subdivision (2) of this subsection specifies otherwise.

(c) An out-of-state salesperson may perform acts with respect to a commercial real estate transaction that require a license as a real estate salesperson under this chapter, provided the out-of-state salesperson complies with the laws of this state with respect to the transaction and:

(1) Works under the direct supervision of an out-of-state broker who meets the requirements set forth in subdivision (1) of subsection (b) of this section; and

(2) Provides the licensed broker who is working in cooperation with the out-of-state broker a copy of the out-of-state salesperson's license or other proof of licensure from the jurisdictions where the out-of-state salesperson maintains a license as a real estate salesperson.

(d) Any out-of-state broker or out-of-state salesperson licensed in a state that has no distinction between a real estate broker license and a real estate salesperson license shall be subject to the requirements of subsection (b) of this section with regard to any commercial real estate transaction in this state.

(e) Each out-of-state broker or out-of-state salesperson that advertises for sale commercial real estate pursuant to this section shall include in any advertising material the name of the licensed broker with whom the out-of-state broker has a written agreement pursuant to subdivision (2) of subsection (b) of this section. Nothing in this section shall permit an out-of-state broker or out-of-state salesperson to accompany a prospective buyer at the site of commercial real estate pursuant to a real estate transaction in this state.

(P.A. 04-83, S. 1.)

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Sec. 20-325m. Real estate brokers to retain certain real estate transaction records. Any real estate broker licensed under the provisions of this chapter who engages in the real estate business, as defined in section 20-311, shall retain the following records for a period of not less than seven years after any real estate transaction closes, all funds held in escrow for such transaction are disbursed or the listing agreement or buyer or tenant representation agreement expires, whichever occurs later: (1) All purchase contracts, leases, options, written offers or counteroffers drafted by such broker or on behalf of such broker; (2) the listing agreement or buyer or tenant representation agreement, any extensions of or amendments to such agreements and any disclosures or agreements required pursuant to sections 20-325a to 20-325l, inclusive; and (3) all canceled checks, unused checks, checkbooks and bank statements for any escrow or trust account maintained pursuant to section 20-324k. Such records may be retained in any format, electronic or otherwise, capable of producing an accurate copy in paper format of the original document.

(P.A. 06-12, S. 1.)

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Sec. 20-326. Report to Governor. The commission shall submit to the Governor, as provided in section 4-60, a report of its official acts under this chapter. The commission shall keep a record of proceedings and orders pertaining to the matters under its jurisdiction and of licenses granted, refused, suspended or revoked by the commission and of all reports sent to its office. The commission shall furnish without charge, for official use only, certified copies of licenses and documents relating to such licenses, to officials of the state or any municipality in this state, to officials of any other state and to any court in this state. Any certified copy of any document or record of the commission, attested as a true copy by the chairman of the commission, shall be competent evidence in any court of this state of the facts contained in such copy.

(1953, S. 2351d; September, 1957, P.A. 11, S. 13; P.A. 90-332, S. 27, 32; P.A. 93-354, S. 21, 54; P.A. 94-36, S. 41, 42; P.A. 98-10, S. 37.)

History: P.A. 90-332 amended section to differentiate between the newly created real estate appraisal commission and the existing real estate commission; P.A. 93-354 deleted references to real estate appraisal commission, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 98-10 made technical changes.

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Sec. 20-327. Employees. Section 20-327 is repealed.

(1953, S. 2353d; 1967, P.A. 460, S. 11; P.A. 80-205, S. 5.)

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Sec. 20-327a. Periodic publication of information and material. The Department of Consumer Protection, at the request of the commission, may periodically compile and publish a bulletin containing information and material relating to the commission, its functions and licenses and other information and material relating to the real estate industry that may be of help and interest to licensees in their service of the public. The commission may also request the department to publish such information and material in any established periodical published in the state if, in the opinion of the commission, such form of publication would ensure the widest dissemination of such information and material to licensees and the public.

(1971, P.A. 363; P.A. 77-614, S. 231, 610; P.A. 88-329, S. 12, 15; P.A. 90-332, S. 28, 32; P.A. 93-354, S. 22, 54; P.A. 94-36, S. 41, 42; P.A. 98-10, S. 38; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.)

History: P.A. 77-614 transferred responsibility for publishing bulletin and other information from real estate commission to department of consumer protection and made publication contingent upon request of the commission, effective January 1, 1979; P.A. 88-329 authorized the department of consumer protection to publish material relating to the real estate appraisal industry at the request of the real estate commission, effective July 1, 1989; P.A. 90-332 amended section to include references to the real estate appraisal commission; P.A. 93-354 deleted references to real estate appraisal commission, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 98-10 made technical changes; June 30 Sp. Sess. P.A.

03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

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Sec. 20-327b. Residential condition reports. Exemption. Regulations. (a) Except as otherwise provided in this section, each person who offers residential property in the state for sale, exchange or for lease with option to buy, shall provide a written residential condition report to the prospective purchaser at any time prior to the prospective purchaser's execution of any binder, contract to purchase, option or lease containing a purchase option. A photocopy, duplicate original, facsimile transmission or other exact reproduction or duplicate of the written residential condition report containing the prospective purchaser's written receipt shall be attached to any written offer, binder or contract to purchase. A photocopy, duplicate original, facsimile transmission or other exact reproduction or duplicate of the written residential condition report containing the signatures of both seller and purchaser shall be attached to any agreement to purchase the property.

(b) The following shall be exempt from the provisions of this section: (1) Any transfer from one or more co-owners solely to one or more of the co-owners; (2) transfers made to the spouse, mother, father, brother, sister, child, grandparent or grandchild of the transferor where no consideration is paid; (3) transfers pursuant to an order of the court; (4) transfers of newly-constructed residential real property for which an implied warranty is provided under chapter 827; (5) transfers made by executors, administrators, trustees or conservators; (6) transfers by the federal government, any political subdivision thereof or any corporation, institution or quasi-governmental agency chartered by the federal government; (7) transfers by deed in lieu of foreclosure; (8) transfers by the state of Connecticut or any political subdivision thereof; (9) transfers of property which was the subject of a contract or option entered into prior to January 1, 1996; and (10) any transfer of property acquired by a judgment of strict foreclosure or by foreclosure by sale or by a deed in lieu of foreclosure.

(c) The provisions of this section shall apply only to transfers by sale, exchange or lease with option to buy, of residential real property consisting of not less than one nor more than four dwelling units which shall include cooperatives and condominiums, and shall apply to all transfers, with or without the assistance of a licensed real estate broker or salesperson, as defined in section 20-311.

(d) (1) Not later than January 1, 2013, the Commissioner of Consumer Protection shall, by regulations adopted in accordance with the provisions of chapter 54, prescribe the form of the written residential disclosure report required by this section and sections 20-327c to 20-327e, inclusive. The regulations shall provide that the form include information concerning:

(A) Municipal assessments, including, but not limited to, sewer or water charges applicable to the property. Such information shall include: (i) Whether such assessment is in effect and the amount of the assessment; (ii) whether there is an assessment on the property that has not been paid, and if so, the amount of the unpaid assessment; and (iii) to the extent of the seller's knowledge, whether there is reason to believe that the municipality may impose an assessment in the future;

(B) Leased items on the premises, including, but not limited to, propane fuel tanks, water heaters, major appliances and alarm systems;

flood hazards and, if the residence is or will be served by well water, as defined in section 21a-150, the results of any water test performed for volatile organic compounds and such other topics as the Commissioner of Consumer Protection may determine would be of interest to a buyer.

(G) A statement that information concerning the residence address of a person convicted of a crime may be available from law enforcement agencies or the Department of Emergency Services and Public Protection and that the Department of Emergency Services and Public Protection maintains a site on the Internet listing information about the residence address of persons required to register under section 54-251, 54-252, 54-253 or 54-254, who have so registered.

(H) If the property is located in a common interest community, whether the property is subject to any community or association dues or fees.

(I) Whether, during the seller's period of ownership, there is or has ever been an underground storage tank located on the property, and, if there is or was, if it has been removed. If such underground storage tank has been removed, such seller shall state when it was removed, who removed it and shall provide any and all written documentation of such removal within the seller's possession and control.

(J) A statement that the prospective purchaser should consult with the municipal building official in the municipality in which the property is located to confirm that building permits and certificates of occupancy have been issued for work on the property, where applicable.

(K) A statement that the prospective purchaser should have the property inspected by a licensed home inspector.

(L) A question as to whether the seller is aware of any prior or pending litigation, government agency or administrative action, order or lien on the premises related to the release of any hazardous substance.

(M) Whether there are smoke detectors and carbon monoxide detectors located in a dwelling on the premises, the number of such detectors, whether there have been any problems with such detectors and an explanation of any such problems.

(e) On or after January 1, 1996, the Commissioner of Consumer Protection shall make available the residential disclosure report prescribed in accordance with the provisions of this section and sections 20-327c to 20-327e, inclusive, to the Division of Real Estate, all municipal town clerks, the Connecticut Association of Realtors, Inc., and any other person or institution that the commissioner believes would aid in the dissemination and distribution of such form. The commissioner shall also cause information concerning such form and the completion of such form to be disseminated in a manner best calculated, in the commissioner's judgment, to reach members of the public, attorneys and real estate licensees.

(P.A. 95-311, S. 1, 5; P.A. 96-200, S. 1; P.A. 98-10, S. 39; P.A. 00-179; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-144, S. 5; 04-189, S. 1; P.A. 06-81, S. 1; P.A. 07-217, S. 87; P.A. 09-127, S. 1; P.A. 10-5, S. 51; P.A. 11-51, S. 134; P.A. 12-122, S. 1.)

History: P.A. 95-311 effective January 1, 1996; P.A. 96-200 amended Subsec. (a) re the timing and medium of residential condition reports, amended Subdiv. (10) of Subsec. (b) to require "strict foreclosure", amended Subsec. (c) to include "cooperatives and condominiums", and substituted "salesperson" for "salesman"; P.A. 98-10 made technical changes in Subsecs. (a) and (b); P.A. 00-179

amended Subsec. (b) to make a technical change for the purpose of gender neutrality and amended Subsec. (d) to add provisions in Subdiv. (1) requiring regulations to provide that the form include information concerning municipal assessments and delete “on or before January 1, 1996”, to add new Subdiv. (2)(G) requiring statement re information on the residence address of a person convicted of a crime, and to make a technical change for the purpose of gender neutrality; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-144 amended Subsec. (d)(2)(F) by requiring form to contain information re flood hazards; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 06-81 amended Subsec. (d)(2)(F) to require disclosure report to contain information on the results of any water test performed for volatile organic compounds if the residence is or will be served by well water; P.A. 07-217 made technical changes in Subsec. (d)(1), effective July 12, 2007; P.A. 09-127 amended Subsec. (d)(1) by adding April 1, 2010, compliance date for regulations, designating existing provisions re municipal assessments as Subpara. (A), adding Subparas. (B) and (C) re disclosure of leased items and historic district designation and statement, and making conforming and technical changes, effective June 19, 2009; P.A. 10-5 made technical changes in Subsecs. (a) and (d), effective May 5, 2010; pursuant to P.A. 11-51, “Department of Public Safety” was changed editorially by the Revisors to “Department of Emergency Services and Public Protection” in Subsec. (d)(2)(G), effective July 1, 2011; P.A. 12-122 amended Subsec. (d) to change date re adoption of regulations from April 1, 2010, to January 1, 2013, in Subdiv. (1) and, in Subdiv. (2), to add Subparas. (H) to (M) re common interest communities, underground storage tanks, consulting with municipal building official, inspection by licensed home inspector, release of hazardous substance and smoke and carbon monoxide detectors, effective July 1, 2012.

Legislative history of section reinforces conclusion that information to be disclosed is limited to representations of fact about which vendor has actual knowledge; function of report under section is to diminish risk of litigation by facilitating meaningful communications between vendor and prospective purchaser; it does not require vendor to assume role of warrantor of conditions of which vendor was in fact unaware; section does not govern negligent misrepresentation actions and does not preclude existing common law actions for misrepresentations made by vendor regarding condition of residential property. 76 CA 352. Defendant’s negligent misrepresentation on residential condition report of actual knowledge of a defect in condition of property sold to plaintiff is actionable negligent misrepresentation. 122 CA 286.

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Sec. 20-327c. Credit due purchaser at closing if report not furnished. On or after January 1, 1996, every agreement to purchase residential real estate, for which a written residential condition report is required pursuant to section 20-327b, shall include a requirement that the seller credit the purchaser with the sum of five hundred dollars at closing should the seller fail to furnish the written residential condition report as required by sections 20-327b to 20-327e, inclusive.

(P.A. 95-311, S. 2, 5; P.A. 12-122, S. 2.)

History: P.A. 95-311 effective January 1, 1996; P.A. 12-122 changed credit amount from \$300 to \$500, effective July 1, 2012.

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Sec. 20-327d. No new implied or express warranties created. Seller not required to secure inspections, tests or other methods of determining condition of property. No provision of section 20-327b or 20-327c: (1) Shall be construed to create any new implied or express warranties on behalf of the seller of the property; or (2) shall be construed to require the seller of the property to secure inspections, tests or other methods of determining the physical conditions of the property.

(P.A. 95-311, S. 3, 5.)

History: P.A. 95-311 effective January 1, 1996.

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Sec. 20-327e. Seller's representations construed to extend to his actual knowledge only. The representations made by the seller pursuant to section 20-327b or 20-327c shall be construed only to extend to the seller's actual knowledge of the property and no constructive knowledge shall be imputed to the seller.

(P.A. 95-311, S. 4, 5.)

History: P.A. 95-311 effective January 1, 1996.

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Sec. 20-327f. Notice re existence of hazardous waste facilities. Liability not imposed by section. Seller and licensee not required to participate in compiling list of facilities. (a) With respect to a contract for the sale of a one-to-four family residential real property, if the seller provides written notice to the purchaser, prior to, or upon, entering into the contract, of the availability of the lists of hazardous waste facilities pursuant to section 22a-134f, the seller and any real estate licensee shall be deemed to have fully satisfied any duty to disclose the presence of all hazardous waste facilities, as defined in section 22a-134f even if: (1) The list required to be submitted pursuant to section 22a-134f has not been submitted, (2) the list has not been received or made available as required in section 22a-134f, or (3) there is an error, omission or inaccuracy in the list.

(b) With respect to a contract for the sale of a one-to-four family residential real property, if the seller provides written notice to the purchaser, prior to, or upon, entering into the contract, of the availability of information concerning environmental matters from the federal Environmental Protection Agency, the National Response Center, the Department of Defense and third-party providers, the seller and any real estate licensee shall be deemed to have fully satisfied any duty to disclose environmental matters concerning properties other than the property that is the subject of the contract.

(c) Nothing in this section shall be construed to impose liability on a seller or real estate licensee for failing to disclose the existence of hazardous waste facilities, as defined in section 22a-134f or information concerning environmental matters as specified in subsection (b) of this section.

(d) No seller or real estate licensee shall be required to compile, or contribute to the compilation of, in whole or in part, the list required pursuant to section 22a-134f.

(P.A. 02-122, S. 1; P.A. 08-186, S. 6.)

History: P.A. 08-186 added new Subsec. (b) re written notice provided by seller to purchaser re availability of information concerning environmental matters from certain entities and third-party providers and redesignated existing Subsecs. (b) and (c) as new Subsecs. (c) and (d).

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Sec. 20-327g. Notice of list of properties upon which hunting or shooting sports regularly take place. Liability not imposed by section. (a) With respect to a contract for the sale of a one-to-four family residential real property, if the seller provides written notice to the purchaser, prior to, or upon, entering into the contract, that a list of local properties upon which hunting or shooting sports regularly take place may be available at the office of the town clerk, the seller and any real estate licensee shall be deemed to have fully satisfied any duty to disclose the presence of local properties upon which hunting or shooting sports regularly take place, even if (1) the list is not available at the office of the town clerk, or (2) there is an error, omission or inaccuracy in the list.

(b) Nothing in this section shall be construed to impose liability on a seller or real estate licensee for failing to disclose the existence of properties upon which hunting or shooting sports regularly take place.

(c) No seller or real estate licensee shall be required to compile, or contribute to the compilation of, in whole or in part, the list of properties upon which hunting or shooting sports regularly take place.

(P.A. 07-214, S. 6.)

History: P.A. 07-214 effective July 1, 2007.

See Sec. 7-32k re list of properties upon which hunting and shooting sports take place maintained by town clerks.

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Sec. 20-328. Regulations. The Commissioner of Consumer Protection, with advice and assistance from the commission, may adopt regulations, in accordance with chapter 54, relating to the form and manner of filing applications for licenses under this chapter and the manner in which licensed real estate brokers and licensed real estate salespersons shall conduct the real estate business.

(1953, S. 2357d; 1963, P.A. 101; P.A. 77-614, S. 232, 610; P.A. 88-329, S. 13, 15; P.A. 90-332, S. 29, 32; P.A. 91-229, S. 15, 19; P.A. 93-354, S. 23, 54; P.A. 94-36, S. 41, 42; P.A. 98-10, S. 40; P.A. 03-71, S. 4; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.)

History: 1963 act provided for making of regulations re manner of conducting real estate business; P.A. 77-614 amended section to transfer responsibility for regulations concerning filing of license

applications and manner of conducting real estate business from commission to consumer protection commissioner, retaining commission in an advisory role and to delete regulations re issuance, suspension and revocation of licenses and re hearings from purview of section and to delete power to enforce regulations, effective January 1, 1979; P.A. 88-329 authorized the commissioner of consumer protection to adopt regulations relating to license applications for real estate appraisers and residential appraisers, and required the commissioner to adopt regulations to establish uniform standards of appraisal practice, effective July 1, 1989; P.A. 90-332 amended section to include references to the real estate commission and the real estate appraisal commission and to add provisions re certification for general certified and residential certified appraisers; P.A. 91-229 deleted all references to general certified and residential certified appraisers and added a provision requiring that regulations relating to appraisal content standards shall be as provided by federal regulations; P.A. 93-354 deleted provisions re commissioner's regulatory authority over real estate appraisers, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 98-10 made technical changes; P.A. 03-71 deleted "such reasonable" and "as the commissioner deems necessary" re adoption of regulations; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

Cited. 177 C. 515.

Real estate broker may maintain action for commission even though there was no written listing agreement as required by regulation. 26 CS 193.

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Sec. 20-329. Exceptions concerning the licensure of brokers and salespersons. The provisions of this chapter concerning the licensure of real estate brokers and real estate salespersons shall not apply to: (1) Any person who as owner or lessor performs any of the acts enumerated in section 20-311, with reference to property owned, leased or sought to be acquired or leased by the person, or to the person's regular employees who are employed as on-site residential superintendents or custodians, with respect to the property so owned or leased or sought to be acquired or leased when such acts are performed in the regular course of, or incident to, the management of such property and the investment therein; (2) any person acting as attorney-in-fact under a duly executed power of attorney from the owner authorizing the final consummation by performance of any contract for the sale, leasing or exchange of real estate, or to service rendered by any attorney-at-law in the performance of the attorney-at-law's duties as such attorney-at-law; (3) a receiver, trustee in bankruptcy, administrator, executor or other fiduciary, while acting as such, or any person selling real estate under order of any court, or to a trustee acting under a trust agreement, deed of trust or will, or the regular salaried employees thereof; (4) witnesses in court as to the values of real estate; (5) persons in the employ of the federal or state government or any political subdivision thereof while acting in the course of such employment; (6) any employee of any nonprofit housing corporation that (A) has been certified as a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, and manages a housing project, or (B) manages a housing project assisted in whole or in part by the federal government pursuant to Section 8 of The United States Housing Act of 1937, as amended from time to time, while such employee is performing duties in the regular course of, or

incidental to, the management of such housing project; (7) any person licensed to maintain or operate a mobile manufactured home park under chapter 412 who performs any of the acts enumerated in section 20-311, with reference to lots or mobile manufactured homes within the park or to the person's employees with respect to lots or mobile manufactured homes within such park when such acts are performed in the regular course of, or incidental to, the management of such property and the investment therein; (8) persons licensed as sellers of mobile manufactured homes under section 21-67; or (9) any person or such person's regular employee who, as owner, lessor, licensor, manager, representative or agent manages, leases, or licenses space on or in a tower, building or other structure for (A) "personal wireless services facilities" or facilities for "private mobile service" as those terms are defined in 47 USC 332, which facilities shall be unattended, and the installation and maintenance of related devices authorized by the Federal Communications Commission, and ancillary equipment used to operate such devices and equipment shelters therefor, in an area not to exceed three hundred sixty square feet for any one service established by the Federal Communications Commission in 47 CFR, as amended from time to time, by a provider of any such service, and (B) any right appropriate to access such facilities and connect or use utilities in connection with such facilities.

(1953, S. 2340d; P.A. 84-63, S. 1, 2; P.A. 87-319; P.A. 88-329, S. 14, 15; P.A. 90-332, S. 30, 32; P.A. 91-229, S. 16, 19; P.A. 92-12, S. 111; 92-174, S. 3; P.A. 93-354, S. 24, 54; P.A. 94-36, S. 41, 42; P.A. 96-200, S. 19; P.A. 98-10, S. 41; P.A. 00-186, S. 3; P.A. 08-176, S. 70.)

History: P.A. 84-63 exempted licensed secondary mortgage loan brokers from licensure requirements; P.A. 87-319 limited the exception for regular employees to persons employed as on-site residential superintendents or custodians, and provided an exception for employees of nonprofit housing corporations which manage federally assisted housing projects; P.A. 88-329 added Subsec. (b) excepting government employees, persons performing revaluations for municipalities for assessment purposes, brokers and salesmen estimating value for the purpose of listing real estate for sale, and appraiser trainees from the provisions of this chapter concerning real estate appraisers and residential appraisers, effective July 1, 1989; P.A. 90-332 amended section to add a provision re certification for general certified and residential certified appraisers and inserted a provision limiting the total number of years one can act as a real estate appraiser trainee; P.A. 91-229 deleted all references to general certified and residential certified appraisers and deleted former Subdiv. (1) containing exception for government employees, relettering remaining Subdivs. accordingly; P.A. 92-12 made a technical change in Subsec. (a); P.A. 92-174 amended Subsec. (a) by adding exception re persons holding a license to operate and maintain a mobile manufactured home park who perform acts enumerated in Sec. 20-311; P.A. 93-354 deleted former Subsec. (b) limiting applicability of chapter with regard to real estate appraisers in certain cases and removed Subsec. (a) designator, effective in accordance with Sec. 20-528; P.A. 94-36 changed effective date of P.A. 93-354 but without affecting this section; P.A. 96-200 substituted "salespersons" for "salesmen" and added an exemption for tax-exempt organizations which manage a housing project; P.A. 98-10 made technical changes; P.A. 00-186 added Subdiv. (10) re transactions for space for personal wireless services facilities or facilities for private mobile service and made technical changes; P.A. 08-176 amended Subdiv. (6)(B) to make a technical change, deleted former Subdiv. (7) re licensed secondary mortgage broker and renumbered existing Subdivs. (8), (9) and (10) as new Subdivs. (7), (8) and (9), effective July 1, 2008.

Cited. 35 CA 31.

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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, 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.

(1969, P.A. 697, S. 1; 1971, P.A. 488, S. 1; 1972, P.A. 174, S. 2; P.A. 73-22, S. 1; P.A. 82-98, S. 1; P.A. 95-79, S. 66, 189; P.A. 96-200, S. 20; P.A. 98-10, S. 42; P.A. 13-196, S. 27.)

History: 1971 act added definition of “salesman” and rephrased definition of “subdivision”; 1972 act specified that “broker” applies to residents; P.A. 73-22 defined “advertising”; P.A. 82-98 included time share units within the purview of the Interstate Land Sales Act; P.A. 95-79 redefined “person” to include a limited liability company, effective May 31, 1995; P.A. 96-200 amended Subdiv. (5) to substitute “salesperson” for “salesman”; P.A. 98-10 made technical changes; P.A. 13-196 redefined “subdivision” to delete reference to time-share units in Subdiv. (7), effective June 21, 2013.

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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 Department of Consumer Protection 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 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 department of a copy of an effective statement of record filed with the Secretary of Housing and Urban Development or any successor 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.

(1969, P.A. 697, S. 2; 1971, P.A. 488, S. 2; 1972, P.A. 174, S. 1; P.A. 73-564, S. 1; P.A. 75-243, S. 1; P.A. 77-614, S. 233, 610; P.A. 78-303, S. 31, 136; P.A. 89-251, S. 128, 203; P.A. 98-10, S. 43; P.A. 99-21, S. 2; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1; P.A. 13-196, S. 28.)

History: 1971 act stated applicability of Secs. 20-329a to 20-329m with regard to subdivisions in Subdiv. (3) and added Subdiv. (9) excluding from applicability leasing of apartments, offices, stores,

etc. in Subsec. (a), made exemption in Subsec. (c) applicable with respect to Sec. 20-329d rather than to Secs. 20-329a to 20-329g and 20-329j to 20-329m, specified that \$100 filing fee applicable to each subdivision and deleted Subsec. (d) re further exemptions for subdivisions registered under Federal Interstate Land Sales Full Disclosure Act; 1972 act deleted exemption provided in Subsec. (a)(2) for cases where lots, parcels or units are five or more acres in size, renumbering remaining subdivisions; P.A. 73-564 added provision in Subsec. (c) establishing \$100 fee for filing a consolidation or additional lots not included in original filing; P.A. 75-243 qualified exemption in Subsec. (c) by adding exception re narrative description of promotional plan and copies of advertising materials; P.A. 77-614 amended Subsec. (b) to reflect transfer of regulation power from commission to business regulation commissioner, effective January 1, 1979; P.A. 78-303 replaced commissioner of business regulation with commissioner of consumer protection in Subsec. (b); P.A. 89-251 amended Subsec. (c) to increase the filing fees from \$100 to \$300; P.A. 98-10 made technical changes; P.A. 00-21 substituted "the purchaser's" for "his" in Subsec. (a) and substituted "for" for "in respect of" in Subsec. (c); June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 13-196 amended Subsecs. (b) and (c) by changing "commission" to "Department of Consumer Protection" or "department" and, in Subsec. (c), adding "or any successor agency" re Secretary of Housing and Urban Development, effective June 21, 2013.

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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 Department of Consumer Protection such bond, in favor of the state, as the department may require with surety in such amount as the 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.

(1969, P.A. 697, S. 3; P.A. 98-10, S. 44; P.A. 07-217, S. 88; P.A. 13-196, S. 29.)

History: P.A. 98-10 made technical changes; P.A. 07-217 made technical changes, effective July 12, 2007; P.A. 13-196 replaced references to commission with references to Department of Consumer Protection or department in Subdiv. (2), effective June 21, 2013.

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Sec. 20-329d. Submission of documents, promotional plan and advertising materials to 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 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 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 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.

(1969, P.A. 697, S. 4; 1971, P.A. 488, S. 3; P.A. 73-22, S. 2; 73-564, S. 2; P.A. 89-251, S. 129, 203; P.A. 00-21, S. 3; P.A. 13-196, S. 30.)

History: 1971 act replaced “sales prospectus” in Subdiv. (1) with “prospectus, property report or offering statement” and specified that filing fee in Subdiv. (3) applies to each subdivision; P.A. 73-22 inserted new Subdiv. (2) requiring submission of narrative description of promotional plan and copies of advertising material, renumbering former Subdivs. (2) and (3) accordingly; P.A. 73-564 added provision re fee for filing consolidation or additional lots not included in initial filing; P.A. 89-251 increased the filing fees from \$100 to \$300; P.A. 00-21 substituted “for” for “in respect of” in Subdiv. (4); P.A. 13-196 changed “commission” to “department”, effective June 21, 2013.

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Sec. 20-329e. Investigation by department. Before the Department of Consumer Protection issues any license under section 20-329f to any person or broker, the 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.

(1969, P.A. 697, S. 5; 1971, P.A. 488, S. 4; P.A. 77-614, S. 234, 610; P.A. 98-10, S. 45; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P. A. 09-74, S. 31; P.A 13-196, S. 31.)

History: 1971 act required investigation of information pursuant to Secs. 20-329a to 20-329m rather than pursuant to Sec. 20-329d and allowed physical examination, investigation or inspection of subdivisions, replacing provision allowing inspection of “property” if commission deems inspection necessary; P.A. 77-614 transferred responsibility for investigations from commission to department of

consumer protection and made slight changes in wording, effective January 1, 1979; P.A. 98-10 made technical changes; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 09-74 made a technical change, effective May 27, 2009; P.A. 13-196 replaced references to commission with references to Department of Consumer Protection or department and made a conforming change, effective June 21, 2013.

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Sec. 20-329f. Issuance of license. Fees. (a) The Department of Consumer Protection 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 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 or successor agency and filed with the 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 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 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 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 department through other sources, the department may, after a hearing pursuant to section 20-321, take such action as the 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	Initial Annual	Renewal Fee
Of Lots or Units Fee		
1- 50	\$315.	\$200.
51-100	345.	250.

101-150	375.	190.
151-200	410.	220.
201-250	440.	250.
251-300	470.	285.
301-350	500.	315.
351-400	535.	345.
401-450	565.	375.
451-500	595.	410.
501 and above	625.	440.

(1969, P.A. 697, S. 6; 1971, P.A. 488, S. 5; P.A. 73-564, S. 3; P.A. 76-435, S. 27, 82; P.A. 77-614, S. 235, 610; P.A. 82-98, S. 2; P.A. 94-36, S. 4, 42; P.A. 98-10, S. 46; June Sp. Sess. P.A. 98-1, S. 87; P.A. 00-21, S. 4; P.A. 05-288, S. 86; P.A. 09-74, S. 32; June Sp. Sess. P.A. 09-3, S. 243; P.A. 13-196, S. 32.)

History: 1971 act incorporated effective statement of record filed with secretary of housing and urban development as alternative to license application, replaced “sales prospectus” with “prospectus, property report or offering statement”, replaced provision for indefinite validity of license with validity for one year and imposed \$100 for renewal; P.A. 73-564 added Subsec. (b) containing fee schedules and added references where appropriate in Subsec. (a); P.A. 76-435 revised fee schedule; P.A. 77-614 replaced “its” with “the” modifying “investigation”, reflecting transfer of investigation power to consumer protection department, effective January 1, 1979; P.A. 82-98 amended Subsec. (b), allowing for determination of license fees according to the number of units; P.A. 94-36 amended Subsec. (a) to eliminate reference to license expiration date, effective January 1, 1995; P.A. 98-10 and June Sp. Sess. P.A. 98-1 made technical changes in Subsec. (a); P.A. 00-21 substituted “for” for “in respect of” in Subsec. (b); P.A. 05-288 made technical changes in Subsec. (a), effective July 13, 2005; P.A. 09-74 made a technical change in Subsec. (a), effective May 27, 2009; June Sp. Sess. P.A. 09-3 amended Subsec. (b) to increase initial and annual renewal fees; P.A. 13-196 amended Subsec. (a) by replacing references to commission with references to Department of Consumer Protection or department and by adding “or successor agency” re Secretary of Housing and Urban Development, effective June 21, 2013.

See Sec. 21a-10(b) re staggered schedule for license renewals.

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Sec. 20-329g. Reference to commission or department 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.

(1969, P.A. 697, S. 7; P.A. 13-196, S. 33.)

History: P.A. 13-196 added “or department”, effective June 21, 2013.

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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 Department of Consumer Protection.

(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 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 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.

(1969, P.A. 697, S. 8; 1971, P.A. 488, S. 6; P.A. 73-23; P.A. 96-200, S. 21; P.A. 98-10, S. 47; P.A. 13-196, S. 34.)

History: 1971 act made provisions applicable to interests in subdivisions, added proviso protecting broker's right to employ salesmen to act for him and replaced "sales prospectus" with "prospectus, property report or offering statement"; P.A. 73-23 required return of records to developer within 30 days after termination of broker's or salesman's employment in Subsec. (b); P.A. 96-200 substituted "salesperson" for "salesman"; P.A. 98-10 made technical changes in Subsecs. (a) and (c); P.A. 13-196 replaced references to commission with references to Department of Consumer Protection or department, effective June 21, 2013.

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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 department for such time as in the circumstances the department considers justified.

(1969, P.A. 697, S. 9; 1971, P.A. 488, S. 8; P.A. 96-200, S. 22; P.A. 98-10, S. 48; P.A. 13-196, S. 35.)

History: 1971 act made technical correction; P.A. 96-200 substituted "salesperson" for "salesman"; P.A. 98-10 made technical changes; P.A. 13-196 changed "commission" to "department", effective June 21, 2013.

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Sec. 20-329j. Commission members may not participate. No member of the commission or any association, firm or corporation with which a member is associated shall act as a broker of a subdivision or a lot, parcel, unit or interest in a subdivision or offer or dispose of a subdivision or a lot, parcel, unit or interest in a subdivision that is required to be approved pursuant to section 20-329d.

(1969, P.A. 697, S. 10; P.A. 98-10, S. 49.)

History: P.A. 98-10 made technical changes.

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Sec. 20-329k. Nonliability of advertising media. The owner, publisher, licensee or operator of any newspaper, magazine, visual or sound radio broadcasting station or network of stations or the agents or employees of any such owner, publisher, licensee or operator of such a newspaper, magazine, station or network of stations shall not be liable under sections 20-329a to 20-329m, inclusive, for any

advertising of any subdivision, lot, parcel or unit in any subdivision carried in any such newspaper or magazine or by any such visual or sound radio broadcasting station or network of stations nor shall any of them be liable under said sections for the contents of any such advertisement.

(1969, P.A. 697, S. 11.)

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Sec. 20-329l. Appeal. Any person aggrieved by any action or decision, order or regulation of the commission may appeal in the manner prescribed by section 20-322.

(1969, P.A. 697, S. 12.)

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Sec. 20-329m. Regulations. The Commissioner of Consumer Protection, with the advice and assistance of the commission, may from time to time adopt such regulations, in accordance with chapter 54, as the commissioner deems necessary to carry out and enforce the provisions of sections 20-329a to 20-329n, inclusive, in the interests of the public.

(1969, P.A. 697, S. 13; P.A. 75-243, S. 2; P.A. 77-614, S. 236, 610; P.A. 98-10, S. 50; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.)

History: P.A. 75-243 replaced “20-329m” with “20-329n”; P.A. 77-614 transferred power to make regulations from commission to consumer protection commissioner, substituted “adopt” for “promulgate” and deleted January 1, 1976, as deadline for adoption of regulations, effective January 1, 1979; P.A. 98-10 made technical changes; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

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Sec. 20-329n. Deposits of purchasers and lessees to be held in escrow. All moneys paid or advanced by a purchaser or lessee or prospective purchaser or prospective lessee for any lot, parcel, unit or interest in any subdivision, the disposition of which is controlled by sections 20-329a, 20-329b, 20-329d, 20-329e, 20-329f, 20-329h and 20-329i, or such portion of such moneys as the commission may determine is sufficient for the protection of the interests of such purchaser or lessee shall be deposited by the seller or lessor in an escrow account, approved by the commission, in a bank doing business in this state. Such money shall remain in such escrow account until (1) a proper and valid release is obtained for such money, (2) the owner or subdivider or the purchaser or lessee has defaulted under their contract for sale or lease and the commission or a court has made a determination as to the disposition of such money, or (3) the owner or subdivider or the seller or lessor orders the return of such money to such purchaser or lessee.

(1971, P.A. 488, S. 7; P.A. 98-10, S. 51; P.A. 00-21, S. 5.)

History: P.A. 98-10 made technical changes; P.A. 00-21 substituted “for” for “in respect of”.

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Sec. 20-329o. Real property securities dealers. Definitions. Certain sales not deemed a sale to the public. (a) As used in sections 20-329o to 20-329bb, inclusive:

(1) “Real property securities dealer” means any person, acting as principal or agent, who engages in the business of (A) selling real property securities to the public, or (B) offering to accept or accepting funds for continual reinvestment in real property securities, or for placement in an account, plan or program whereby the dealer implies that a return will be derived from a specific real property sales contract or promissory note secured directly or collaterally by a lien on real property which is not specifically stated to be based upon the contractual payments thereon.

(2) “Real property security” means (A) an investment contract made in connection with the sale of a single promissory note secured directly or collaterally by a lien on real property or a single real property sales contract wherein the real property securities dealer or his principal agrees to do or implies that such dealer or principal will do any of the following: (i) Guarantee the note or contract against loss at any time, (ii) guarantee that payments of principal or interest will be paid in conformity with the terms of the note or contract, (iii) assume any payments necessary to protect the security of the note or contract, (iv) accept, from time to time, partial payments toward the purchase of the note or contract, (v) guarantee a specific yield or return on the note or contract, (vi) pay with his own funds any interest or premium for a period prior to actual purchase and delivery of the note or contract, (vii) pay with his own funds any money after the note or contract falls into arrears, or (viii) repurchase the note or contract; (B) one of a series of promotional notes secured by liens on separate parcels of real property in one subdivision or in contiguous subdivisions; or (C) one of a series of real property sales contracts pertaining to separate parcels of real property in one subdivision or in contiguous subdivisions, all of which are executed by one person or persons associated together as owners. As used in this subdivision, “real property sales contract” does not include a contract executed more than three years prior to being offered for sale. Performance of services in connection with loans or promissory notes secured directly or collaterally by a lien on real property or a real property sales contract, as agent for and at the direction of the lender, borrower, or purchaser, including, but not limited to, the payment of taxes, insurance premiums or costs of foreclosure, if all such costs, excluding routine office expenses, of such services are paid by or payable by borrower, lender or purchaser shall not be construed to be an investment contract under subparagraph (A) of this subdivision. As used in this subdivision, “promotional note” means a promissory note secured by a trust deed executed on unimproved real property, or executed after construction of an improvement of the property but before the first sale of the property as so improved, or executed as a means of financing the first purchase of the property as so improved, and which is subordinate or which by its terms may become subordinate to any other trust deed on the property, but does not include a note which was executed in excess of three years prior to being offered for sale or a note secured by a first trust deed on real property in a subdivision, which evidences a bona fide loan made in connection with the financing of the usual costs of the development of a residential, commercial, or industrial building or buildings on the property under a written agreement providing for the disbursement of the loan funds as costs are incurred or in relation to the progress of the work and providing for title insurance insuring the priority of the security as against mechanic’s liens or for the final disbursement of at least ten per cent of the loan funds after the expiration of the period for the filing of mechanic’s liens. “Real

property security” does not include any bond, debenture or note which is one of a series of notes of equal priority secured by an interest in the same real property.

(3) “Sale” or “sell” includes every issuance, creation for resale, disposition or attempt to dispose of a real property security for value and includes all of the following, whether done directly or by circular letter, advertisement, radio or television broadcast or otherwise: (A) An offer to sell, (B) an attempt to sell, (C) a solicitation of a sale, (D) a contract of sale or (E) an exchange.

(b) The sale to pension, retirement or similar trust funds, to corporations, to any bank and trust company, savings bank, savings and loan association, credit union or national banking association, to real estate brokers or to attorneys shall not be deemed a sale to the public for the purpose of sections 20-329o to 20-329bb, inclusive.

(1971, P.A. 603, S. 1; P.A. 78-121, S. 7, 113; P.A. 88-65, S. 2; P.A. 98-10, S. 52.)

History: P.A. 78-121 deleted “building or” in phrase “building or savings and loan association” in Subsec. (4); P.A. 88-65 deleted the reference in Subsec. (4) to industrial bank; P.A. 98-10 designated existing Subdivs. (1) to (3) as Subsec. (a), redesignated existing Subdiv. (4) as Subsec. (b) and made technical changes.

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Sec. 20-329p. License and endorsement requirements. No person shall act as a real property securities dealer in this state without first having obtained a real estate broker’s license under this chapter and having an endorsement attached to such license, in such form as may be prescribed by the commission, stating that the licensee is entitled to deal in real property securities. Application for such endorsement shall be made in writing to the commission in such form as the commission may prescribe.

(1971, P.A. 603, S. 2; P.A. 98-10, S. 53.)

History: P.A. 98-10 made technical changes.

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Sec. 20-329q. Statement to purchaser. (a) Every real property securities dealer selling or attempting to sell any real property security shall personally sign and deliver to the purchaser a statement in writing, containing all the information required by subsection (b) of this section before the purchaser shall be obligated to complete the transaction. No such real property securities dealer shall permit a purchaser to sign the statement if any information required by said subsection (b) is omitted. The real property securities dealer shall retain an executed copy of the statement for four years.

(b) The statement required by subsection (a) of this section shall be in a form prescribed and approved by the commission and shall include, but not be limited to, the following information:

(1) The legal description or address of the property subject to the lien securing the note or contract being made or sold;

- (2) The name and address of the fee owner of the property subject to the lien securing the note or contract being made or sold;
- (3) Available information relative to the ability of the person liable on the obligation to meet such person's contractual payments;
- (4) Any improvements on the property or the absence of such improvements;
- (5) Any streets, sewers, water mains, curbs and gutters on or adjacent to the property or the absence thereof;
- (6) Terms and conditions of the contract or note being made or sold, including the principal balance owing thereon, and the status of principal and interest payments thereon;
- (7) A statement of the approximate balloon payment on the note or contract being made or sold, which shall appear prominently in words and figures;
- (8) If available, the terms and conditions of all prior recorded encumbrances which constitute liens upon the property, the principal balance of such encumbrances, and the status of principal and interest payments thereon;
- (9) Amounts and terms of tax liens and assessments, if available;
- (10) A written statement of the real property securities dealer's considered opinion of the current fair market value of the property and of the equity in the property securing the note or contract or that the purchaser will obtain his own appraisal of such property;
- (11) Whether the real property securities dealer is acting as a principal or as an agent;
- (12) A statement that the transaction is in compliance with the provisions of sections 20-329o to 20-329bb, inclusive; and
- (13) Such other information as the Commissioner of Consumer Protection, with the advice and assistance of the commission, may require by regulation adopted in accordance with chapter 54.

(1971, P.A. 603, S. 3, 4; P.A. 77-614, S. 237, 610; P.A. 98-10, S. 54; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.)

History: P.A. 77-614 amended Subsec. (b)(13) to refer to information required by consumer protection commissioner with advice of real estate commission rather than to information required by the commission itself, effective January 1, 1979; P.A. 98-10 made technical changes in Subsec. (b); June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

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Sec. 20-329r. Appraisal of real property. An appraisal of each parcel of real property which relates to

a transaction subject to the provisions of section 20-329o to 20-329bb, inclusive, shall be made by the real property securities dealer or by an independent appraiser unless the purchaser of the obligation to which the parcel relates indicates on the form required by subsection (b) of section 20-329q, pursuant to subdivision (10) of said subsection, that the purchaser will obtain his own appraisal. An appraisal by the real property securities dealer or his agent made pursuant to this section shall be kept on file for four years.

(1971, P.A. 603, S. 5; P.A. 98-10, S. 55.)

History: P.A. 98-10 made technical changes.

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Sec. 20-329s. Filing and approval of materials to be used by dealer. Every real property securities dealer shall file with the commission, ten days prior to use, true copies of all material which pertains to activities subject to sections 20-329o to 20-329bb, inclusive. The commission shall approve or disapprove such material within ten days of receiving such material. If the commission fails to give notice to the real property securities dealer of its disapproval of any such material within ten days of receiving such material, the commission shall be deemed to have approved such material. No real property securities dealer shall use any such material in any way after the commission gives notice in writing that such material contains any statement that is false or misleading or omits to state material information that is necessary to make any statement in such material complete and accurate.

(1971, P.A. 603, S. 6; P.A. 98-10, S. 56.)

History: P.A. 98-10 made technical changes.

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Sec. 20-329t. Annual financial report. (a) Every real property securities dealer shall file with the commission, annually, a report containing financial statements in accordance with generally accepted accounting principles, accompanied by an opinion thereon by a certified public accountant based upon an audit of the real property securities dealer's business subject to sections 20-329o to 20-329bb, inclusive, which is not materially restricted in scope. The report shall be filed with the commission within sixty days after the close of the period of the report unless, for good cause shown, the commission, in writing, extends the time for filing the report. The report shall include, but shall not be limited to: (1) The total number of sales, as principal or agent, subject to said sections during the period; (2) information relating to the receipt and disposition of all funds handled in connection with transactions subject to said sections; and (3) the total dollar volume of such sales.

(b) The Commissioner of Consumer Protection, with the advice and assistance of the commission, may, by regulation adopted in accordance with chapter 54, require such additional information in such report as the commissioner may deem necessary.

(c) In the event that a real property securities dealer fails to file a report pursuant to this section the commissioner may cause an audit to be made and shall charge and collect the cost of the audit from such dealer.

(1971, P.A. 603, S. 7; P.A. 77-614, S. 238, 610; P.A. 98-10, S. 57; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.)

History: P.A. 77-614 amended Subsec. (b) to refer to information required by consumer protection commissioner with advice of real estate commission rather than to information required by the commission itself, effective January 1, 1979; P.A. 98-10 made technical changes; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

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Sec. 20-329u. Desist order for violation. Appeal. Whenever the commission finds that (1) any person is violating the provisions of sections 20-329o to 20-329bb, inclusive, (2) any person is conducting business as a real property securities dealer or issuer in an unsafe or injurious manner, (3) the further sale of real property securities by any person under the provisions of said sections would be unfair, unjust or inequitable, or (4) the method used by any person in the sale of real property securities would work a fraud upon the purchasers, the commission may order such person to desist and refrain from violating the provisions of said sections or from further sales of real property securities. Any person aggrieved by any order issued by the commission under this section may appeal under section 20-329aa.

(1971, P.A. 603, S. 8; P.A. 98-10, S. 58.)

History: P.A. 98-10 made technical changes.

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Sec. 20-329v. Permit to sell real property security required. Application. (a) No real property security shall be sold to the public without either the issuer or the real property securities dealer first obtaining a permit from the commission.

(b) Each application for a permit to sell any real property securities shall be made in writing, on such forms and in such manner and accompanied by such evidence in support of such application as is prescribed by the commission. The commission may require such information with regard to the applicant as the commission deems desirable, with due regard to the paramount interests of the public as to the honesty, truthfulness, integrity and competency of the applicant. The Commissioner of Consumer Protection, with the advice and assistance of the commission, may, by regulation adopted in accordance with chapter 54, establish reasonable filing fees, which shall not be less than forty dollars. Such fees shall be deposited in the General Fund.

(1971, P.A. 603, S. 9; P.A. 77-614, S. 239, 610; P.A. 89-251, S. 130, 203; P.A. 98-10, S. 59; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.)

History: P.A. 77-614 transferred power to regulate filing fees from real estate commission to commissioner of consumer protection, retaining commission in advisory role, deleted reference to use

of fees to defray cost of processing applications and issuing permits and required deposit of moneys collected in general fund in Subsec. (b), effective January 1, 1979; P.A. 89-251 amended Subsec. (b) to establish a minimum filing fee of not less than \$40; P.A. 98-10 made technical changes; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

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Sec. 20-329w. Issuance or denial of permit. Limitation of commission's authority. Hearing. (a) If the commission finds, in connection with an application filed under section 20-329v, that (1) the proposed plan of business of the applicant and the proposed sale of real property securities is fair, just and equitable, (2) the applicant intends to transact business fairly and honestly, and (3) the real property securities which the applicant proposed to sell are not such as, in the opinion of the commission will work a fraud upon the purchaser of such real property securities, the commission shall issue to the applicant a permit authorizing the applicant to sell such real property securities in such amounts and for such considerations and upon such terms and conditions as the commission may provide in the permit. If the commission does not make such findings, the commission shall deny the application, refuse the permit and notify the applicant in writing of its decision. The authority to issue a permit under this section shall not empower the commission to authorize the sale of notes or contracts under a plan which provides for the establishment of investment participation pools based upon such notes or contracts or authorize the issuance of certificates based upon notes or contracts being used as collateral for the certificates.

(b) Any applicant aggrieved by the refusal of a permit under this section or the conditions of any permit issued under this section shall be given notice and afforded an opportunity for hearing as provided in the regulations adopted by the Commissioner of Consumer Protection.

(1971, P.A. 603, S. 10, 11; P.A. 77-614, S. 240, 610; P.A. 98-10, S. 60; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.)

History: P.A. 77-614 deleted provision allowing aggrieved person to file for and receive a hearing within 30 days, substituting statement requiring notice and hearing as provided by regulations of consumer protection commissioner in Subsec. (b), effective January 1, 1979; P.A. 98-10 made technical changes; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

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Sec. 20-329x. Prohibited acts. Penalty. Any person shall be guilty of a class D felony if such person:

(1) In any application to the commission or in any proceeding before the commission, or in any examination, audit or investigation made by the Department of Consumer Protection under this chapter, knowingly makes any false statement or representation, or, with knowledge of its falsity, files

or causes to be filed with the commission any false statement or representation in a required report;

(2) Issues, circulates or publishes, or causes to be issued, circulated or published any advertisement, pamphlet, prospectus or circular concerning any real property security which contains any statement that is false or misleading, or is otherwise likely to deceive a reader thereof, with knowledge that it contains such false, misleading or deceptive statement;

(3) In any respect wilfully violates or fails to comply with any provision of sections 20-329o to 20-329bb, inclusive, or wilfully violates or fails, omits or neglects to obey, observe or comply with all or any part of any order, decision, demand, requirement or permit of the commission under said sections; or

(4) With one or more other persons, conspires to violate any permit or order issued by the commission or any provision of said sections.

(1971, P.A. 603, S. 12; P.A. 77-614, S. 241, 610; P.A. 98-10, S. 61; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 13-258, S. 84.)

History: P.A. 77-614 replaced reference to examinations, audits, etc. of real estate commission with reference to examinations, audits, etc. of consumer protection department in Subsec. (a), effective January 1, 1979; P.A. 98-10 made technical changes; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 13-258 changed penalty from fine of not more than \$5,000 or imprisonment of not less than 1 year and not more than 5 years to a class D felony.

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Sec. 20-329y. Civil action for injury from transaction. Any person sustaining any injury resulting from a transaction subject to sections 20-329o to 20-329bb, inclusive, which was in violation of the provisions of said sections may recover in a civil action the amount of the damages with interest of seven per cent per annum from the date of the injury, and shall be entitled to be awarded reasonable attorney's fees. Any such action shall be brought within three years from the date of the transaction notwithstanding the date the injury was discovered.

(1971, P.A. 603, S. 13.)

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Sec. 20-329z. Regulations. 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 deems necessary to carry out the provisions of sections 20-329o to 20-329bb, inclusive.

(1971, P.A. 603, S. 14; P.A. 77-614, S. 242, 610; P.A. 98-10, S. 62; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.)

History: P.A. 77-614 transferred power to make regulations from real estate commission to consumer protection commissioner, retaining commission in advisory capacity, and deleted enforcement power, effective January 1, 1979; P.A. 98-10 made technical changes; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

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Sec. 20-329aa. Appeal. Any person aggrieved by any decision or order of the commission under sections 20-320o to 20-329bb, inclusive, may appeal from such decision or order in accordance with the provisions of section 4-183.

(1971, P.A. 603, S. 15; P.A. 76-436, S. 437, 681; P.A. 77-603, S. 83, 125; 77-614, S. 243, 610; P.A. 98-10, S. 63.)

History: P.A. 76-436 replaced court of common pleas with superior court and added reference to judicial district, effective July 1, 1978; P.A. 77-603 and 77-614 deleted reference to appeals respecting regulations of commission, reflecting transfer of regulation power to consumer protection commissioner and replaced detailed appeal provisions with statement requiring that appeals be made in accordance with Sec. 4-183; P.A. 98-10 made technical changes.

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Sec. 20-329bb. Exemptions. (a) The provisions of sections 20-329o to 20-329bb, inclusive, shall not apply to any securities dealer who is not engaged in the offering for sale of any real property securities.

(b) Any real property securities dealer who is required to be licensed and to obtain a permit under the provisions of said sections shall be exempt from the provisions of sections 36a-380 to 36a-386, inclusive, 36a-395 to 36a-399, inclusive, 36a-535 to 36a-546, inclusive, and 36b-2 to 36b-34, inclusive.

(c) The provisions of said sections shall not apply to transactions involving a promissory note or notes, the payment of which is secured in whole or in part by a mortgage deed or deeds.

(1971, P.A. 603, S. 16; P.A. 85-613, S. 55, 154; P.A. 10-141, S. 31.)

History: P.A. 85-613 made technical change in Subsec. (b); P.A. 10-141 amended Subsec. (b) by replacing reference to Sec. 36b-33 with reference to Sec. 36b-34, effective June 7, 2010.

Cited. 3 CA 675.

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Sec. 20-329cc. "Nonmaterial fact concerning real property" defined. As used in sections 20-329cc to

20-329ff, inclusive, a “nonmaterial fact concerning real property” means a fact, set of facts or circumstance surrounding real estate which includes, but is not limited to: (1) The fact that an occupant of real property is or has been infected with a disease on the list of reportable diseases, emergency illnesses and health conditions issued by the Commissioner of Public Health pursuant to section 19a-2a; or (2) the fact that the property was at any time suspected to have been the site of a death or felony.

(P.A. 90-141, S. 1; P.A. 04-39, S. 1; P.A. 11-242, S. 23.)

History: P.A. 04-39 substituted definition of “nonmaterial fact concerning real property” for definition of “psychologically impacted”; P.A. 11-242 amended Subdiv. (1) by substituting “list of reportable diseases, emergency illnesses and health conditions” for “list of reportable diseases”.

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Sec. 20-329dd. Nonmaterial fact concerning real property. No disclosure required. No cause of action.

(a) The existence of a nonmaterial fact concerning real property is not a material fact that must be disclosed in a real estate transaction.

(b) No cause of action shall arise against an owner of real estate, the owner’s agent or any agent of the transferee for the failure to disclose a nonmaterial fact concerning real property to the transferee.

(P.A. 90-141, S. 2; P.A. 97-172; P.A. 04-39, S. 2.)

History: P.A. 97-172 amended Subsec. (b) to include any agent of the transferee; P.A. 04-39 replaced provisions re psychological impact with references to “a nonmaterial fact concerning real property” and, in Subsec. (b), substituted “the owner’s” for “his or her”.

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Sec. 20-329ee. Purchaser or lessee may request written disclosure of property’s status re homicide, other felony or suicide. Notwithstanding sections 20-329cc and 20-329dd, if a purchaser or lessee of real estate, who was in the process of making a bona fide offer, advises an owner of real estate or his or her agent, in writing, that knowledge that the property was at any time suspected to have been the site of a homicide, other felony or a suicide is important to the purchaser’s decision to purchase or lease the property, the owner through his or her agent shall report any findings to the purchaser or lessee, in writing subject to and consistent with applicable laws of privacy. If the owner refuses to disclose such information, his or her agent shall so advise the purchaser or lessee in writing.

(P.A. 90-141, S. 3; P.A. 02-122, S. 2.)

History: P.A. 02-122 substituted reference to a homicide, other felony or a suicide for “psychological impact” and substituted “the purchaser’s” for “his”.

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Sec. 20-329ff. Legal rights retained for physical deficiencies. Nothing in sections 20-329cc to 20-329ff, inclusive, shall alter the legal rights of a purchaser, lessee, seller or lessor of real estate for physical deficiencies of the transferred property.

(P.A. 90-141, S. 4.)

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Sec. 20-329gg. Exemptions. Federal transactions. Section 20-329gg is repealed.

(P.A. 91-229, S. 17, 19; P.A. 95-53.)

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