

**SENATE APPROPRIATIONS COMMITTEE
FISCAL NOTE**

BILL NO. Senate Bill 1266

PRINTER NO. 1834

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

May 18, 2016

PRIME SPONSOR

Senator Tomlinson

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 1266 amends the Home Improvement Consumer Protection Act to provide for additional consumer protections.

The legislation authorizes the Bureau of Consumer Protection (Bureau) in the Office of Attorney General to refuse to register a person or suspend or revoke a home improvement contractor registration upon proof the person has:

1. Obtained a registration through fraud, deception, or misrepresentation;
2. Used dishonesty, fraud, deception, misrepresentation, false promise, or false pretense;
3. Engaged in gross negligence, gross malpractice, or gross incompetence;
4. Engaged in repeated acts of negligence, malpractice, or incompetence;
5. Been convicted of a crime involving theft, deception, fraud, misrepresentation or moral turpitude or a related adverse crime;
6. Had a suspended or revoked registration as a contractor by another state for a similar reason; or
7. Violated or failed to comply with the provisions of this act.

The offense of home improvement fraud includes a person who enters into a home improvement agreement, either in writing or orally, without registering with the Bureau. Failure to comply with this provision constitutes a felony of the third degree for amounts over \$2,000 or a misdemeanor of the first degree for amounts of \$2,000 or less. Providing false or incomplete information on a registration application to the Bureau is also prohibited.

This legislation would take effect in 60 days.

FISCAL IMPACT

Enactment of this legislation will have no adverse impact on Commonwealth funds.