

1 S.183

2 Introduced by Senator Norris

3 Referred to Committee on

4 Date:

5 Subject: Crimes; home improvement and land improvement fraud

6 Statement of purpose of bill as introduced: This bill proposes to require that a
7 person knowingly intends to defraud a client with whom the person has entered
8 into a contract or agreement for home or land improvement.

9 An act relating to home improvement and land improvement fraud

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 13 V.S.A. § 2029 is amended to read:

12 § 2029. HOME IMPROVEMENT AND LAND IMPROVEMENT FRAUD

13 (a) As used in this section:

14 (1) “Home improvement” means the fixing, replacing, remodeling,
15 removing, renovation, alteration, conversion, improvement, demolition, or
16 rehabilitation of or addition to any building, or any portion thereof, including
17 roofs, that is used or designed to be used as a residence or dwelling unit.

2 (i) the construction, replacement, installation, paving, or
3 improvement of driveways, sidewalks, trails, roads, or other landscap
4 features:

10 (iv) forestry operations, as that term is defined in 10 V.S.A.

11 § 2602, including the construction of trails, roads, and structures associated
12 with forestry operations and the transportation off-site of trees, shrubs, or
13 timber.

17 (b) A person commits the offense of home improvement or land
18 improvement fraud when the person knowingly enters into a contract or
19 agreement, written or oral, for \$1,000.00 or more, with an owner for home
20 improvement or land improvement, or into several contracts or agreements for

1 \$2,500.00 or more in the aggregate, with more than one owner for home
2 improvement or land improvement, and the person knowingly:

3 (1)(A) ~~fails to perform the contract or agreement, in whole or in part;~~
4 and

5 (B) ~~when the owner requests performance, payment, or a refund of~~
6 ~~payment made, the person fails to either:~~

7 (i) ~~refund the payment;~~
8 (ii) ~~make and comply with a definite plan for completion of the~~
9 ~~work that is agreed to by the owner; or~~
10 (iii) ~~make the payment promises performance that the person does~~
11 ~~not intend to perform or knows will not be performed, in whole or in part;~~

12 (2) misrepresents a material fact relating to the terms of the contract or
13 agreement or to the condition of any portion of the property involved;

14 (3) uses or employs any unfair or deceptive act or practice in order to
15 induce, encourage, or solicit such person to enter into any contract or
16 agreement or to modify the terms of the original contract or agreement; or

17 (4) when there is a declared state of emergency, charges for goods or
18 services related to the emergency a price that exceeds two times the average
19 price for the goods or services and the increase is not attributable to the
20 additional costs incurred in connection with providing those goods or services.

11 (d)(1) A person who violates subsection (b) of this section shall be
12 imprisoned not more than two years or fined not more than \$1,000.00, or both,
13 if the loss to a single consumer is less than \$1,500.00.

10 (e)(1) A person who is sentenced pursuant to subdivision (d)(2), (3), or (4)
11 of this section, or convicted of fraudulent acts related to home improvement or
12 land improvement, may engage in home improvement or land improvement
13 activities for compensation only if:

1 whom the person is going to work; and the date on which the person will start
2 working for the company or individual; or

3 (B) the person notifies the Office of the Attorney General of the
4 intent to engage in home improvement or land improvement activities, and that
5 the person has filed a surety bond or an irrevocable letter of credit with the
6 Office in an amount of not less than \$250,000.00 and pays on a regular basis
7 all fees associated with maintaining such bond or letter of credit.

8 (2) As used in this subsection:

9 (A) "Business associate" means a person joined together with another
10 person to achieve a common financial objective.

11 (B) "Family member" means a spouse, child, sibling, parent, next of
12 kin, domestic partner, or legal guardian.

13 (C) "Household member" means a person who, for any period of
14 time, is living or has lived together, is sharing or has shared occupancy of a
15 dwelling.

16 (f) The Office of the Attorney General shall release the letter of credit at
17 such time when:

18 (1) any claims against the person relating to home improvement or land
19 improvement fraud have been paid;

20 (2) there are no pending actions or claims against the person for home
21 improvement or land improvement fraud; and

4 (g) A person convicted of home improvement or land improvement fraud is
5 prohibited from applying for or receiving State grants or from contracting,
6 directly or indirectly, with the State or any of its subdivisions for a period of up
7 to three years following the date of the conviction, as determined by the
8 Commissioner of Buildings and General Services.

13 Sec. 2. EFFECTIVE DATE

14 This act shall take effect on July 1, 2026.