

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 183
3 entitled “An act relating to home improvement and land improvement fraud”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended in Sec. 1, 13 V.S.A. § 2029, by striking out subsection (b) in
6 its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

7 (b) A person commits the offense of home improvement or land
8 improvement fraud when the person knowingly enters into a contract, ~~or~~
9 agreement, or change order, written or oral, for \$1,000.00 or more, with an
10 owner for home improvement or land improvement, or into several contracts,
11 ~~or~~ agreements, or change orders for \$2,500.00 or more in the aggregate, with
12 more than one owner for home improvement or land improvement, and the
13 person knowingly:

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

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

18 ~~(i) refund the payment;~~

19 ~~(ii) make and comply with a definite plan for completion of the~~

20 ~~work that is agreed to by the owner; or~~

1 ~~(iii) make the payment~~ promises performance that the person does
2 not intend to perform or knows will not be performed, in whole or in part;

3 (2) misrepresents a material fact relating to the terms of the contract, ~~or~~
4 agreement, or change order or to the condition of any portion of the property
5 involved;

6 (3) uses or employs any unfair or deceptive act or practice in order to
7 induce, encourage, or solicit such person to enter into any contract, ~~or~~
8 agreement, or change order or to modify the terms of the original contract, ~~or~~
9 agreement, or change order; or

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

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20 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE