

Legislative History for Connecticut Act

HB 5630 PA 111 1999

SENATE: 1848-1852, 1919-1920 7p.

HOUSE: 1174-1178, 2747-2749 8p.

General Laws: 496-497, 412 3p.

Total- 18p.

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate  
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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1999

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PART 6  
1787-2173

kmg

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Wednesday, May 12, 1999

and passage here. Thank you, Madam President.

THE CHAIR:

Thank you, sir. Question is on passage. Will you remark further? Will you remark further? Senator Coleman.

SEN. COLEMAN:

Madam President, if there are no further remarks, and no objection, I would move that this item be placed on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Calendar page 6, Calendar No. 285, File No. 178, Substitute for HB5630, AN ACT PROTECTING PURCHASERS OF HEARING AIDS. Favorable report of the Committee on General Law. Clerk is in possession of one amendment.

THE CHAIR:

Senator Colapietro.

SEN. COLAPIETRO:

Thank you, Madam President. I move the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Question is on passage. Will you remark?

SEN. COLAPIETRO:

Thank you, Madam President. I believe there's an

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amendment. I will yield to Senator Harp to call.

THE CHAIR:

Senator Harp.

SEN. HARP:

Thank you, Madam President. There is an amendment.  
It's LCO-8532.

THE CLERK:

LCO-8532, which will be designated Senate Amendment  
Schedule A. It is offered by Senator Harp of the 10th  
District.

THE CHAIR:

Senator Harp.

SEN. HARP:

Thank you, Madam President. I move the amendment.

THE CHAIR:

Question is on adoption. Will you remark?

SEN. HARP:

Yes, thank you. This amendment licenses hearing  
instrument specialists. It allows them to fit and sell  
hearing aids. And it defines the practice of fitting  
hearing aids. I urge your adoption.

THE CHAIR:

Question is on adoption of Senate Amendment A.  
Will you remark further? Will you remark further? If  
not, I will try your minds. All those in favor indicate

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by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nay. The aye's have it. Senate A is adopted. Will you remark further on the bill as amended? Senator Colapietro.

SEN. COLAPIETRO:

Thank you, Madam President. The bill itself just requires the hearing aid dealers, or audiologists, to give the buyers back who leave a hundred dollars or more, the right to a refund. And that they can hold it within forty-five days at the seller's place of business.

Forty-five days leaving their deposit. The notice must be included in every sales contract they see.

Madam President, I move the bill.

THE CHAIR:

Will you remark further?

SEN. COLAPIETRO:

Thank you, Madam President.

THE CHAIR:

Senator Upson.

SEN. UPSON:

Just a point of inquiry. Is there a fiscal note on

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this?

THE CHAIR:

Senator Upson, on the bill or on the amendment that was passed?

SEN. UPSON:

I'm not sure.

THE CHAIR:

Or on the bill as amended?

SEN. UPSON:

It was amended.

THE CHAIR:

Senator Colapietro.

SEN. COLAPIETRO:

Thank you, Madam President. I don't see why there would be a fiscal note, being it's only a consumer, the consumer's required to get his deposit back after forty-five days.

THE CHAIR:

Senator Upson.

SEN. UPSON:

Thank you.

THE CHAIR:

Will you remark further on the bill? Will you remark further? Senator Colapietro.

SEN. COLAPIETRO:

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Thank you, Madam President. If there's no objection, I would move to Consent.

THE CHAIR:

Motion is to refer this item to the Consent Calendar. Without objection, so ordered.

THE CLERK:

Calendar page 8, Calendar No. 333, File No. 484, Substitute for SB916, AN ACT CONCERNING WITNESS PROTECTION. Favorable report of the Committee on Judiciary. Clerk is in possession of amendments.

THE CHAIR:

Senator Williams.

SEN. WILLIAMS:

Thank you, Madam President. I move adoption of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Question is on passage. Will you remark?

SEN. WILLIAMS:

Thank you, Madam President. There are two amendments that I would like to call, and then Senator Penn has an amendment. But before I call those two amendments, I would just like to briefly provide an overview of the bill.

This, of course, comes about partially in response

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Calendar No. 265, Substitute for SB1157.

Calendar page 6, Calendar No. 285, Substitute for  
HB5630.

Calendar page 7, Calendar No. 327, Substitute for  
SB1252.

Calendar page 8, Calendar No. 333, Substitute for  
SB916.

Calendar page 9, Calendar No. 355, Substitute for  
HB6595.

Calendar page 13, Calendar No. 397, Substitute for  
SB1206.

Madam President, that completes the Second Consent  
Calendar.

THE CHAIR:

Thank you, Mr. Clerk. Would you once again  
announce a roll call vote, the machine will be open.

THE CLERK:

An immediate roll call has been ordered in the  
Senate on the Consent Calendar. Will all Senators  
please return to the Chamber. An immediate roll call  
has been ordered in the Senate on the Consent Calendar.

Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? If all members have voted,  
the machine will be locked. Clerk, please announce the

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tally.

THE CHAIR:

Motion is on adoption of Consent Calendar No. 2.

Total Number Voting 33

Those voting Yea 33

Those voting Nay 0

Those absent and not voting 3

THE CHAIR:

The Consent Calendar is adopted. Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. Unless there are additional points of personal privilege, I move we stand adjourned, subject to the call of the Chair.

THE CHAIR:

The Senate is adjourned, subject to the Call of the Chair.

(Whereas, the Senate adjourned at 8:56 p.m. to meet again at the Call of the Chair.)

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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1999

VOL. 42  
PART 4  
1034-1396

gmh

House of Representatives

Wednesday, April 21, 1999

CLERK:

Senate Bill Number 1337 in concurrence with the

Senate

Total Number Voting	146
Necessary for Passage	74
Those voting Yea	146
Those voting Nay	0
Those absent and not Voting	5

SPEAKER LYONS:

The bill passes.

Will the Clerk please call Calendar 217.

CLERK:

On page 11, Calendar 217, Substitute for House Bill Number 5630, AN ACT PROTECTING PURCHASERS OF HEARING AIDS. Favorable Report of the Committee on General Law.

SPEAKER LYONS:

Representative John Wayne Fox of the 144th district. Sir, you have the floor. Representative Fox, please proceed, sir.

REP. FOX: (144TH)

Thank you, Madam Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER LYONS:

The question before the Chamber is on acceptance

and passage. Will you remark?

REP. FOX: (144TH)

Yes. Thank you, Madam Speaker. This bill deals with the problem that was evident with respect to our elderly. In particular, it provides that if, in fact, they are ordering a hearing aid cost with a deposit of \$100 or more, they are entitled to have that available to them for inspection within 45 days or entitled to get a return of their money.

I move adoption of the bill.

SPEAKER LYONS:

The question before the Chamber is on acceptance and passage. Will you remark? Will you remark further on the bill that is before us?

Representative Prelli.

REP. PRELLI: (63RD)

Madam Speaker, through you, a question to the distinguished chairman of the General Law Committee.

SPEAKER LYONS:

Please proceed with your question, sir.

REP. PRELLI: (63RD)

Representative Fox, I hope you can hear me, but the question says that the deposit has to be at least \$100 before this would guarantee its return. Is that correct?

Through you, Madam Speaker.

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House of Representatives

Wednesday, April 21, 1999

SPEAKER LYONS:

Representative Fox.

REP. FOX: (144TH)

Through you, Madam Speaker. That is correct.

SPEAKER LYONS:

Representative Prelli, you have the floor, sir.

REP. PRELLI: (63RD)

And through you, one more question then, Madam Speaker. Representative Fox, what's the magic about \$100, not \$50, not \$25? Why did we choose \$100?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Fox.

REP. FOX: (144TH)

Through you, Madam Speaker. I think there was a concern to deal with a significant substantive deposit and the loss or potential loss of that deposit. So they were attempting to be fair both to address the problem and also to the individuals that are in the industry and are selling the product.

There's no magic to it, quite frankly. It was just what was considered a reasonable figure.

SPEAKER LYONS:

Representative Prelli. You have the floor, sir.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. And I thank the gentleman for his response. I'm just hoping that we don't see a lot of people in the industry and a lot of hearing aid dealerships now all of a sudden requiring a \$99.99 deposit and we sort of defeated the purpose of this. I think it's an excellent bill. I just think the amount might be a little high.

Thank you, Madam Speaker.

SPEAKER LYONS:

Thank you, sir for your remarks.

Will you remark further on the bill that is before us? If not, will staff and guests please come to the Well? Will members take their seats? The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

SPEAKER LYONS:

Have all the members voted? Would the members please check the board to make sure that the vote is accurately recorded? If all the members have voted, the machine will be locked. And the Clerk will take a tally.

The Clerk will please announce the tally.

House of Representatives

Wednesday, April 21, 1999

CLERK:

House Bill Number 5630

Total Number Voting	146
Necessary for Passage	74
Those voting Yea	146
Those voting Nay	0
Those absent and not Voting	5

SPEAKER LYONS:

The bill passes.

Will the Clerk please call Calendar 250?

CLERK:

On page 13, Calendar 250, Substitute for House Bill Number 7046, AN ACT CONCERNING THE CLAIM AGAINST THE STATE OF DMA, INCORPORATED. Favorable Report of the Committee on Judiciary.

SPEAKER LYONS:

Representative Lawlor. Representative Lawlor.  
Representative Pudlin.

REP. PUDLIN: (24TH)

Madam Speaker, for exceptionally good reasons, I won't go into at this time, I request that this item be PT'd.

SPEAKER LYONS:

The question before the Chamber is passing this bill temporarily. Seeing no objection, so ordered.

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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1999

VOL. 42  
PART 8  
2539-2946

kmr

House of Representatives

Wednesday, May 19, 1999

DEP. SPEAKER HYSLOP:

Bill as amended passes. Clerk please call Calendar 217.

CLERK:

On page twenty-nine. Calendar 217, substitute for HB5630, AN ACT PROTECTING PURCHASERS OF HEARING AIDS.

As amended by Senate amendment schedule "A." Favorable report of the Committee on General Law. Senate adopted Senate "A" on May 12th.

DEP. SPEAKER HYSLOP:

Representative Fox.

REP. FOX: (144th)

Thank you Mr. Speaker. I move acceptance of the Joint Committee's favorable report and passage of the bill.

DEP. SPEAKER HYSLOP:

Question is on acceptance and passage, will you remark?

REP. FOX: (144th)

Yes I will, thank you sir. The underlying bill has been before this body previously. It was approved by this body requiring hearing aid dealers and audiologists to give buyers with certain deposits a right to a refund if the product was not available within a certain period of time. When it was sent upstairs, our brethren in the

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Senate added to it an amendment.

That is LCO 8532, which became Senate "A." I would ask that that be called and I be allowed to summarize.

DEP. SPEAKER HYSLOP:

Clerk please call LCO 8532, Senate amendment "A" the Representative has asked leave to summarize.

CLERK:

LCO 8532, designated Senate "A" offered by Senator Harp.

DEP. SPEAKER HYSLOP:

Representative Fox.

REP. FOX: (144th)

Thank you Mr. Speaker. Senate "A" goes into some detail in terms of the definition or re-definition of the practice of fitting hearing aids. And it also redesignates hearing aid dealers. I would urge adoption of the amendment Mr. Speaker.

DEP. SPEAKER HYSLOP:

Questions on adoption of Senate "A" will you remark on Senate "A?" Will you remark on Senate "A?" If not, we'll try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEP. SPEAKER HYSLOP:

House of Representatives

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Those opposed no. The ayes have it Senate "A" is adopted. Will you remark further on the bill as amended? Will you remark further on the bill as amended? If not, staff and guests to the well of the House, the machine will be open.

CLERK:

The House of Representatives is voting by roll call members to the Chamber. The House is voting by roll call, members to the Chamber please.

DEP. SPEAKER HYSLOP:

Have all the members voted? If all members have voted please check the machine to make sure your vote is properly recorded. The machine will be locked and the Clerk will take a tally. The Clerk will announce the tally.

CLERK:

SB5630 as amended by Senate "A" in concurrence with the Senate.

Total Number Voting	141
Necessary for Passage	71
Those voting Yea	141
Those voting Nay	0
Those absent and not voting	10

DEP. SPEAKER HYSLOP:

Bill as amended passes. Clerk please call Calendar

JOINT  
STANDING  
COMMITTEE  
HEARINGS

GENERAL LAW  
PART 2  
336-735

1999

Regulation M says it's not required?

GEORGE CRONIN: That's correct.

REP. FOX: Okay. If, in fact, the State of Connecticut has legislation (INAUDIBLE -MICROPHONE NOT ON) in conflict with (INAUDIBLE -MICROPHONE NOT ON) what happens?

GEORGE CRONIN: I believe that the federal regulation has authority there.

REP. FOX: (INAUDIBLE -MICROPHONE NOT ON)

GEORGE CRONIN: What I can do is I'm going to be submitting written comments for the benefit of the committee. I can include the language from Regulation M in there as well as some other material that might be helpful.

REP. FOX: (INAUDIBLE -MICROPHONE NOT ON)

GEORGE CRONIN: Sure.

REP. FOX: Okay. Questions? If not, thank you very much.

I believe, according to the list that I have been provided, (INAUDIBLE -MICROPHONE NOT ON) Is there anyone else that wants to -- hold on. We have one speaker.

BRIAN ANDERSON: Good evening, Chairman Fox, members of the General Law Committee. Very briefly. My name is Brian Anderson. I'm here to speak for the Connecticut Hearing Aid Dispensers Organization on behalf of committee HB5630, AN ACT --

REP. FOX: (INAUDIBLE -MICROPHONE NOT ON)

BRIAN ANDERSON: We did. AN ACT PROTECTING PURCHASERS OF HEARING AIDS.

Our organization believes that this bill adds consumer protection by allowing the purchaser of a hearing aid who has put down a deposit -- it would allow them to cancel if the hearing aid has not

been delivered within 45 days. Most hearing aids are delivered within about 10 days.

It's a little bit of trend that some of our folks have seen in the business lately where there are some dispensers who have taken deposits and have had waits up to two, three months before delivering the hearing aid.

We think the section of the bill that addresses this is warranted and makes sure that no dealers are infringing on consumers.

REP. FOX: Okay. Thank you. (INAUDIBLE -MICROPHONE NOT ON)

There being no further speakers, that concludes our public hearing.

(Whereupon, the public hearing was adjourned.)

Good Afternoon Chairman Colapietro, Chairman Fox and members of the General Law Committee. My name is Jack Felix and I am President of CHADO. I am here to testify in support of H.B. 5630, an act protecting purchases of hearing aids.

CHADO is small professional organization made up of licensed hearing aid Dispensers and dispensing audiologists. To date, we have done a good job of policing our own profession and complaints are infrequent. However, we believe a forty-five day or less delivery of product is necessary to protect consumers guarantee.

Most of the patients we see are elderly and a bond of trust is established before hearing aids are ordered. Many times people make a sizable down payment at the time of sale (hearing aids are mostly custom made today). We feel that this trust should never be abused by failure to deliver hearing aids on a timely basis. There is no present legal requirement providing for timely delivery. Without such a requirement some dispensers are free to use the consumers money for lengthy periods and unfortunately a few have done that.

I recently did a screening at a health fair for a local senior community center. A woman asked me how long it normally takes to get a hearing aid once one is ordered. I advised her that a "rush order" could arrive within two to three business days and average delivery time is seven to ten days. She advised me that she had ordered a hearing aid, paid for it in full, and had not received it yet after two and one half months. This unreasonable delay is unacceptable to our profession and to consumers. We feel the law should protect the elderly from such abuses and request that you pass this bill.

Thank you for your consideration.