SENATE DOCKET, NO. 2085 FILED ON: 10/26/2011

SENATE . . . . . No. 2091

The Commonwealth of Massachusetts

PRESENTED BY:

Katherine M. Clark

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to swimming pool licensing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Katherine M. Clark	*Middlesex and Essex*
Paul Brodeur	*32nd Middlesex*

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SENATE . . . . . No. 2091

By Ms. Clark, a petition (subject to Joint Rule 12) (accompanied by bill, Senate, No. 2091) of Katherine M. Clark and Paul Brodeur for legislation relative to swimming pool licensing. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

An Act relative to swimming pool licensing.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 140 of the General Laws is hereby amended by adding the following section:-

Section 207. (a) The following words shall, unless the context clearly requires otherwise, have the following meanings: -

“Apprentice permit”, the authority of an employee, whose occupation is assistance with a master swimming pool installer with a view to learn the trade of construction, building and installation of swimming pools.

“License”, a license granted by the division of professional licensure under this section authorizing the licensee to engage in a business or operation of swimming pool construction and installation work or swimming pool maintenance and repair work in the commonwealth evidenced by a certificate.

"Swimming pool", a permanent spa or any in-ground or partially above-ground structure intended for swimming that is greater than twenty-four inches in depth.

“Swimming pool builder” means a person who, for financial compensation, excavates and grades for and constructs and installs a swimming pool, including, but not limited to, tiling, coping, decking and installation of associates circulation equipment such as pumps, filters and chemical feeders.

"Swimming pool construction and installation work", all plumbing, heating and electrical work necessary to build a swimming pool, hot tub, spa or similar recreational or therapeutic equipment, where such work commences at an outlet, receptacle, connection, back-flow

22 preventor or fuel supply pipe installed by a person holding a license required under this section
23 and shall include: (1) the building and installing of nonpotable water components of a pool, hot
24 tub or spa, including, but not limited to, the shell, fiberglass, concrete finish or vinyl liner of such
25 pool, hot tub or spa; and (2) the installation of drains and filters of a swimming pool.

26 "Swimming pool maintenance, service and repair work", all plumbing, heating and
27 electrical work necessary to service, modify or repair any swimming pool, hot tub, spa or similar
28 recreational or therapeutic equipment, where such work commences at an outlet, receptacle,
29 connection, back-flow preventor or fuel supply pipe previously installed by a person holding the
30 proper license. Swimming pool maintenance and repair work includes: (1) The renovation or
31 repair of nonpotable water components of a pool, hot tub or spa, including, but not limited to, the
32 shell, tiling and coping, concrete finish or vinyl liner of such pool, hot tub or spa; and (2) the
33 draining, acid washing or backwash filtration of a swimming pool. The renovation or repair of
34 nonpotable water components of a pool, hot tub or spa required to be installed, renovated or
35 repaired by a licensed plumber or electrician shall not be considered swimming pool
36 maintenance and repair work.

37 “Swimming pool maintenance, service, and repair technician” means a person who, for
38 financial compensation, performs swimming pool maintenance, service, or repair work as
39 defined in this section.

40 (b) No later than July 1, 2012, the division of professional licensure shall adopt
41 regulations to implement this section, including establishing the amount and type of experience,
42 training and examination requirements for a person to obtain a license.

43 (c) No person shall install a swimming pool unless such person holds a swimming pool
44 builder license issued by the division of professional licensure.

45 (d) No person shall maintain service or repair a swimming pool unless such person holds
46 a swimming pool service license issued by the division of professional licensure.

47 (e) A person licensed pursuant to this section shall not perform electrical work, plumbing
48 and piping work or heating, piping and cooling work, as defined in Chapters 141 and 142 unless
49 such person is licensed to perform such work.

50 (f) Any person who willfully: (i) Engages in or practices the work or occupation for
51 which a license is required by this section without having first obtained an apprentice permit or
52 license for such work, as applicable; (ii) Employs or supplies for employment a person who does
53 not have a certificate and license for such work; (iii) Falsely pretends to qualify to engage in or
54 practice such work or occupation, or (iv) engages in or practices any of the work or occupations
55 for which a license is required by this section after the expiration of such person's license, shall
56 be guilty of a misdemeanor and fined not more $1,000 for a first violation, not more than $1500
57 for a second violation and not more than $3000 for each violation occurring less than 3 years

58 after a second or subsequent violation, except that any individual employed as an apprentice but
59 improperly registered shall not be penalized for a first offense.

60 (g) The fee for a license shall be $150. The fee for a renewal for such licenses shall be
61 $100. Licenses shall be valid for 2 years from the date of issuance. Licensing of any person to
62 construct, build or install a swimming pool shall be administered by the division of professional
63 licensure. The division shall also oversee the enforcement of the license and be responsible for
64 implementing extended regulations under this section.