

HOUSE No. 2812

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Brodeur

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 adoption of the accompanying bill:

An Act relative to the licensure of swimming pool builders and service contractors.

PETITION OF:

NAME:

Paul Brodeur

Jason M. Lewis

DISTRICT/ADDRESS:

32nd Middlesex

Fifth Middlesex

HOUSE No. 2812

By Mr. Brodeur of Melrose, a petition (accompanied by bill, House, No. 2812) of Paul Brodeur and Jason M. Lewis relative to licensing of swimming pool construction and installation work and swimming pool maintenance and repair work. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the licensure of swimming pool builders and service contractors.

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

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

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

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

9 "Swimming pool", a permanent in-ground spa or any in-ground or partially above-ground
10 structure intended for swimming that is greater than twenty-four inches in depth. “Swimming
11 pool builder” means a person who, for financial compensation, excavates and grades for and

12 constructs and installs a swimming pool, including, but not limited to, tiling, coping, decking and
13 installation of associated circulation equipment such as pumps, filters and chemical feeder.

14 "Swimming pool construction and installation work", all plumbing, heating and electrical
15 work necessary to build a swimming pool or in-ground spa, where such work commences at an
16 outlet, receptacle, connection, back-flow preventor or fuel supply pipe installed by a person
17 holding a license required under this section and shall include: (1) the building and installing of
18 nonpotable water components of a pool or in-ground spa, including, but not limited to, the shell,
19 fiberglass, concrete finish or vinyl liner of such pool or in-ground spa; and (2) the installation of
20 drains and filters of a swimming pool or in-ground spa.

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

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

35 (b) No later than July 1, 2017, the division of professional licensure shall adopt
36 regulations to implement this section, including establishing the amount and type of experience,
37 training and examination requirements for a person to obtain a license.

38 1. Any person actively engaged in swimming pool construction and installation work
39 prior to July 1, 2017, may apply to the division of professional licensure for such license. The
40 division shall issue such license without examination upon demonstration by the applicant of
41 experience and training equivalent to the experience and training required to qualify for
42 examination for such license.

43 2. Any person actively engaged in swimming pool maintenance, service and repair work
44 prior to July 1, 2017, may apply to the division of professional licensure for such license. The
45 division shall issue such license without examination upon demonstration by the applicant of
46 experience and training equivalent to the experience and training required to qualify for
47 examination of such license.

48 (c) No person shall install a swimming pool unless such person holds a swimming pool
49 builder license issued by the division of professional licensure or is a direct employee of a
50 company that at all times has at least one employee who holds a swimming pool builder license.

51 (d) No person shall maintain service or repair a swimming pool unless such person holds
52 either a swimming pool builder license or a swimming pool service license issued by the division

53 of professional licensure or is a direct employee of a company that at all times has at least one
54 employee who holds a swimming pool service and repair license.

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

58 (f) Any person who willfully: (i) Engages in or practices the work or occupation for
59 which a license is required by this section without having first obtained a license for such work,
60 as applicable, or is a direct employee of a company that holds a license for such work, as
61 applicable; (ii) Falsely pretends to qualify to engage in or practice such work or occupation, or
62 (iii) engages in or practices any of the work or occupations for which a license is required by this
63 section after the expiration of such person's license, shall be guilty of a misdemeanor and fined
64 not more \$1,000 for a first violation, not more than \$1500 for a second violation and not more
65 than \$3000 for each violation occurring less than 3 years after a second or subsequent violation.

66 (g) No later than July 1, 2019, licensure shall be required and the fee for a license shall be
67 \$150. The fee for a renewal for such licenses shall be \$100. Licenses shall be valid for 2 years
68 from the date of issuance. Licensing of any person to construct, build or install a swimming pool
69 shall be administered by the division of professional licensure. The division shall also oversee
70 the enforcement of the license and be responsible for implementing extended regulations under
71 this section.