

SENATE No. 148

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. McGee

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 bill:

An Act relative to home improvement contractor registration.

PETITION OF:

NAME:

Thomas M. McGee

DISTRICT/ADDRESS:

Third Essex and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00189 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO HOME IMPROVEMENT CONTRACTOR REGISTRATION.

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. Section 10 of chapter 142A of the General Laws, as appearing in the 2004
2 Official Edition, is hereby amended by adding the following 2 clauses:-

3 (d) whether the applicant is or was an officer, partner or venturer of an applicant who previously
4 applied for registration and, if so, the name and business address of the corporation, partnership, or
5 venture.

6 (e) whether the applicant is or was an employee of an individual, corporation or other business
7 association that holds or previously held a registration against which disciplinary action was taken by the
8 department and, if so, the name of the individual, corporation or business association.

9 SECTION 2. Section 12 of said chapter 142A, as so appearing, is hereby amended by striking
10 out, in lines 1 to 3, inclusive, the words "No application for registration or renewal conforming to the
11 requirements of this chapter may be denied except for a finding by the administrator" and inserting in
12 place thereof the following words:- Applications for registration may be denied following a hearing held
13 in accordance with chapter 30A during which findings are made.

14 SECTION 3. Section 15 of said chapter 142A, as so appearing, is hereby amended by striking
15 out, in lines 2 to 4, inclusive, the words “, upon recommendation by the advisory board and in accordance
16 with procedures and on the grounds set forth in section eleven” and inserting in place thereof the
17 following words:- or his designee in accordance with chapter 30A.

18 SECTION 4. Section 18 of said chapter 142A, as so appearing, is hereby amended by inserting
19 before the first paragraph the following paragraph:-

20 An interested party to a contract formed with a contractor or subcontractor
21 registered pursuant to section 9 may file a complaint against the registrant alleging violations of this with
22 the department. The complaint shall be on a form issued by the department and may include a short
23 statement of the facts constituting the complaint. A filing fee as determined by the commissioner shall be
24 charged for each complaint filed by an interested party.

25 SECTION 5. Said section 18 of said chapter 142A, as so appearing, is hereby further amended
26 by striking out, in line 7, the words "two thousand dollars" and inserting in place thereof the following
27 figure:- \$5,000.

28 SECTION 6. Said chapter 142A is hereby further amended by adding the following section:-

29 Section 22. The department of public safety may expend an amount not to exceed \$685,000 in
30 revenues collected from fees for the issuance and renewal of home improvement contractor registrations
31 and for the issuance and renewal of construction supervisor licenses for the purposes of undertaking and
32 supporting enforcement efforts, investigations, adjudications and audits including, but not limited to, the
33 employment of complaint investigators, hearings officers and support staff; provided, however, that
34 notwithstanding any general or special law to the contrary, for the purpose of accommodating timing
35 discrepancies between the receipt of retained revenues and related expenditures, the department may incur

36 expenses and the comptroller may certify for payment amounts not to exceed the lower of this
37 authorization or the most recent revenue estimate as reported in the state accounting system.