

SENATE No. 85

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:

Katherine M. Clark

DISTRICT/ADDRESS:

Fifth Middlesex

SENATE No. 85

By Ms. Clark, a petition (accompanied by bill, Senate, No. 85) of Katherine M. Clark for legislation relative to swimming pool licensing. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2091 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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:

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

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

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

14 “Swimming pool builder” means a person who, for financial compensation, excavates
15 and grades for and constructs and installs a swimming pool, including, but not limited to, tiling,

16 coping, decking and installation of associated circulation equipment such as pumps, filters and
17 chemical feeders.

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

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

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

39 (b) No later than July 1, 201~~2~~5, the division of professional licensure shall adopt
40 regulations to implement this section, including establishing the amount and type of experience,
41 training and examination requirements for a person to obtain a license.

1. Any person actively engaged in swimming pool construction and installation work prior to July 1, 2015, may apply to the division of professional licensure for such license. The division shall issue such license without examination upon demonstration by the applicant of experience and training equivalent to the experience and training required to qualify for examination for such license.

2. Any person actively engaged in swimming pool maintenance, service and repair work prior to July 1, 2015, may apply to the division of professional licensure for such license. The

division shall issue such license without examination upon demonstration by the applicant of experience and training equivalent to the experience and training required to qualify for examination of such license.

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

44 (d) No person shall maintain service or repair a swimming pool unless such person holds
45 a swimming pool service license issued by the division of professional licensure or is a direct
employee of a company that at all times has at least one employee who holds a swimming pool
service and repair license.

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

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

59 (g) No later than July 1, 2016, licensure shall be required and The fee for a license shall be
\$150. The fee for a renewal for such licenses shall be
60 \$100. Licenses shall be valid for 2 years from the date of issuance. Licensing of any person to
61 construct, build or install a swimming pool shall be administered by the division of professional
62 licensure. The division shall also oversee the enforcement of the license and be responsible for
63 implementing extended regulations under this section.