SENATE No. 1484

The Commonwealth of Massachusetts

PRESENTED BY:

Nick Collins

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 implementing the recommendations of the Walsh-Kennedy Commission Report.

PETITION OF:

NAME:DISTRICT/ADDRESS:Nick CollinsFirst Suffolk

SENATE DOCKET, NO. 1363 FILED ON: 1/19/2023

SENATE No. 1484

By Mr. Collins, a petition (accompanied by bill, Senate, No. 1484) of Nick Collins for legislation to implement the recommendations of the Walsh-Kennedy Commission Report. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION SEE SENATE, NO. 1554 OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court (2023-2024)

An Act implementing the recommendations of the Walsh-Kennedy Commission Report.

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. Notwithstanding and general or special law to the contrary, all certifications
2	and training programs for cutting, welding, and hot works processes shall be performed using the
3	existing National Fire Protection Association program or an equivalent program that includes a
4	thorough and accessible electronic database that can be used to check a worker's status, multi-
5	lingual in-class offerings, identity integrity safeguards, in-person original training, and
6	subsequent annual continued education program either online or in person.
7	SECTION 2. Section 1 of Chapter 148 of the Massachusetts General Laws is hereby
8	amended by inserting at the end thereof the following: ""Criminal Negligence", Repeated,
9	reckless, and knowing failure to comply with the regulations contained in this chapter, and
10	failure to perceive a substantial and unjustifiable risk that a result would occur from said failure.

11 The risk must be of such nature and degree that failure to perceive it constitutes a gross deviation 12 from the standard of care that a reasonable person would observe in this situation."

13 SECTION 3. Section 34B of chapter 148 of the Massachusetts General Laws is hereby 14 amended by striking out the section in its entirety and inserting in place thereof the following: 15 "SECTION 34B. Any person who wantonly or recklessly violates the state building code or state 16 fire code and thereby causes serious bodily injury to any person shall be punished by a fine of 17 not more than \$250,000 or by imprisonment in the state prison for not more than 5 years or in a 18 house of correction for not more than 21/2 years, or both. Any person who wantonly or 19 recklessly violates the state building code or state fire code and thereby causes death to any 20 person shall be punished by a fine of not more than \$500,000 and/or by imprisonment in the state 21 prison for not more than 7 years or in a house of correction for not more than 5 years, or both. 22 Any person found to have acted in accordance with the definition of criminal negligence in 23 section 1 of this chapter may be determined to be criminally liable for damage or death stemming 24 from repeated and reckless non-compliance with requirements set forth in this chapter. For 25 purposes of this section, "serious bodily injury" shall mean bodily injury that results in a 26 permanent disfigurement, loss or impairment of a bodily function, limb or organ, or a substantial 27 risk of death. SECTION 4. Section 34 of Chapter 148 is hereby amended by striking out the 28 section in its entirety and inserting in place thereof the following: "Section 34. Except as 29 otherwise provided, any person violating any provision of this chapter shall be liable to a fine of 30 one hundred dollars, or, in case of a continuing offence after notice of such violation, to a fine of 31 not more than one hundred dollars for every day during which the violation continues, unless 32 said violation pertains to cutting, welding, or hot works processes. In the event of any person 33 violating regulations regarding cutting, welding, or hot works processes, said person shall be

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34 liable to the following punishments: First offense: a fine of not more than \$1,000 Second 35 offense: a fine of not more than \$2,000 and/or imprisonment in the house of correction for up to 36 a year, provided that the Judge shall have the authority to take into account the size of the project 37 on which the violation occurred and levy additional fines if the total cost said project is such that 38 the fine is inadequate to deter continued offenses. Third and continuing offenses: a fine of not 39 more than .025% of the total project value, or \$10,000, whichever is greater, and/or 40 imprisonment in the house of correction for up to 3 years." SECTION 5. Notwithstanding any 41 general or special law to the contrary, the Department of Fire Safety shall, in consultation with 42 the Department of Professional Licensure, or any other executive agency or department it deems 43 necessary, establish a system of public notification and recording of non-compliance with 44 regulations and statues pertaining to cutting, welding, and hot works processes. Said system may 45 include: quarterly publications, an online database, an automated notification system to alert 46 property owners, and/or communication with insurance companies.