

**HOUSE . . . . . No. 2302**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to floor finishing..

*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 111 of the 2002 Official Edition is hereby amended by adding the  
2 following section:

3 (a) The director shall, by July first, two thousand and five, establish regulations for the  
4 licensing of hardwood floor finishers, sanders and installers. The director shall prescribe the  
5 requirements for licensure and may set conditions and restrictions governing the revocation and  
6 suspension of licenses. The director shall periodically assess the number of applications for  
7 licensed floor industry inspectors and may, subject to appropriation, increase the frequency of  
8 training sessions required for licensure, if necessary, in order to process said applications in an  
9 efficient and timely fashion. The director may, subject to appropriation, ensure that there are a  
10 sufficient number of training sites available throughout the commonwealth.

11 (1) No persons shall enter into engage in or conduct floor industry inspections unless  
12 such person shall have received a license therefor.

13 (2) The director may, by regulation, authorize employees of the state program, local  
14 boards of health and code enforcement agencies to temporarily conduct inspections without  
15 receiving such a license during a period ending July first, two thousand and seven. The director  
16 shall set a date after which only licensed inspectors may conduct inspections adequate to comply  
17 with sections one hundred and eighty-nine A to one hundred and ninety-nine, inclusive, and to  
18 qualify for tax credits under paragraph (e) of section six of chapter sixty-two, but in no event  
19 shall that date be later than July first, two thousand and seven. The director shall also set out the  
20 conditions, if any, under which unlicensed inspectors may conduct such inspections during this  
21 transition period.

22 (b) The department of labor and workforce development shall, by July first, two thousand  
23 and five and in consultation with the director, establish regulations for the licensing of floor  
24 finishers, sanders and installers. The department of labor and workforce development shall  
25 prescribe the requirements for licensure and may set conditions and restrictions governing the  
26 revocation and suspension of licenses.

27 (b) The department of labor shall, by July first, two thousand and five and in consultation  
28 with the director, establish regulations for the licensing of floor finishers, sanders and installers.  
29 The department of labor shall prescribe the requirements for licensure and may set conditions  
30 and restrictions governing the revocation and suspension of licenses.

31 (1) Such regulations shall require the training of workers in subjects including, but not  
32 limited to, safe work practices, instruction in health risks, precautionary measures, protective  
33 equipment, and other safeguards, including practices to prevent contamination of the residential  
34 premises, ambient discharges and ground contamination. On site instruction shall be a

35 component of the required training. Said department shall periodically assess the number of  
36 applications for licensed floor finishers, sanders and installers and may, subject to appropriation,  
37 increase the frequency of training sessions required for licensure, if necessary, in order to process  
38 said applications in an efficient and timely manner. Said department may, subject to  
39 appropriation, also ensure that there are a sufficient number of training sites available throughout  
40 the commonwealth. No person licensed as an inspector shall receive anything of value for  
41 referring any person to a licensed floor finishers, sanders and installers. Violation of this  
42 subsection shall be punishable by license revocation and by civil penalty of not more than one  
43 thousand dollars.

44 (2) No person shall enter into engage in or conduct floor finishing, sanding and  
45 installing operations unless such person shall have received a license therefor.

46 (3) The director of labor and workforce development, jointly with the director, shall set  
47 a date after which only licensed floor finishers, sanders and installers may conduct removal and  
48 covering adequate to comply with section 197 and to qualify for tax credits under paragraph (e)  
49 of section 6 of chapter 62 but in no event shall the date be later than July 1, 1990. Said director  
50 of labor and workforce development, jointly with the director, shall also set out the conditions, if  
51 any, under which unlicensed floor finishers, sanders and installers may conduct such removal  
52 and covering during this transition period.

53 (c) The department of labor and workforce development shall, by July first, two  
54 thousand and five and in consultation with the director, promulgate regulations to protect the  
55 occupational safety and health of licensed floor industry inspectors and floor finishers, sanders  
56 and installers. Such regulations may be more, but not less, stringent than applicable federal

57 standards. The department shall also, by July first, two thousand and five and in consultation  
58 with the director, promulgate regulations specifying licensing requirements and/or safety  
59 procedures to be used by all persons employed in performing renovations or rehabilitation in a  
60 manner that requires the use of floor sanding, installing and finishing products.

61 (d) All private retail enterprises associated with the distribution of floor sanding,  
62 installing and finishing products shall be certified by the department of public health and shall  
63 follow storage protocols established by the department of public health.

64 (e) The director and the director of labor and workforce development shall charge fees  
65 for licensure and certification in an amount determined annually by the commissioner of  
66 administration under the provisions of section 3B of chapter 7.

67 (f) The director, with respect to licensing of floor industry inspectors under subsection  
68 (a), and the department of labor and workforce development, with respect to licensing of floor  
69 finishers, sanders and installers under subsection (b), shall enforce the provisions of this section  
70 as appropriate and shall have all necessary powers therefore.

71 (1) The appropriate agency may revoke, suspend, cancel or deny any certification or any  
72 license, at any time, if it believes that the terms or conditions thereof are being violated or that  
73 the holder of or applicant for the certification or license has violated any regulation of the  
74 department of public health or the department of labor and workforce development or any other  
75 regulation or law of the commonwealth. Any person aggrieved by a determination by the director  
76 or the department to issue, deny, revoke or suspend any certification or license may request an  
77 adjudicatory hearing under the provisions of chapter thirty A.

78           (2) Any person who violates the terms or conditions of any certification or license  
79 issued under this section or any regulation or law of the commonwealth concerning such  
80 licensing or certification shall be punished by a fine of not less than five hundred nor more than  
81 fifteen hundred dollars for each offense. The director or the department of labor and workforce  
82 development may file a written complaint with the district court in the jurisdiction in which the  
83 violation occurred. Punishment by fine under this section may be in addition to the suspension of  
84 any license or certification.

85           (3) A representative of the director or the department of labor and workforce  
86 development or a board of health or local code enforcement agency may issue an immediate  
87 cease-work order to any person who violates the terms or conditions of any license issued under  
88 this section or any provision of this section or section one hundred and ninety-seven or any  
89 regulation or order issued thereunder if such violation will endanger or materially impair the  
90 health or well-being of any occupant of a residential premises, any floor industry inspector, any  
91 floor finishers, sanders and installers or any person employed in performing renovations or  
92 rehabilitation in a manner that requires the use of dangerous floor finishing, sanding or installing  
93 materials.

94           (4) Nothing in this section shall be construed to limit the authority of the department of  
95 labor and workforce development under chapter one hundred and forty-nine.