

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 adoption of the accompanying bill:

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 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,

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

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

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

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

(b) No later than July 1, 2012, the division of professional licensure shall adopt regulations to implement this section, including establishing the amount and type of experience, training and examination requirements for a person to obtain a license.

(c) No person shall install a swimming pool unless such person holds a swimming pool builder license issued by the division of professional licensure.

(d) No person shall maintain service or repair a swimming pool unless such person holds a swimming pool service license issued by the division of professional licensure.

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

(f) Any person who willfully: (i) Engages in or practices the work or occupation for which a license is required by this section without having first obtained an apprentice permit or

51 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) 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.