

HOUSE No. 4359

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 4, 2018.

The committee on Consumer Protection and Professional Licensure to whom was referred the petition (accompanied by bill, House, No. 2812) of Paul Brodeur and Jason M. Lewis relative to licensing of swimming pool construction and installation work and swimming pool maintenance and repair work, reports recommending that the accompanying bill (House, No. 4359) ought to pass.

For the committee,

TACKEY CHAN.

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**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the licensure of swimming pool builders and service contractors.

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 143 of the General Laws is hereby amended by adding after section
2 100 the following section:

3 Section 101. (a) The following words shall, unless the context clearly requires otherwise,
4 have the following meanings:

5 “International Swimming Pool and Spa Code (ISPSC)”, the Massachusetts adopted
6 international code council for swimming pools and spas put into effect by the commonwealth
7 January 1, 2018.

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

12 "Swimming pool", a permanent in-ground spa or any in-ground or partially above-ground
13 structure intended for swimming that is greater than twenty-four inches in depth. "Swimming
14 pool builder" means a person who, for financial compensation, excavates and grades for and
15 constructs and installs a swimming pool, including, but not limited to, tiling, coping, decking and
16 installation of associated circulation equipment such as pumps, filters and chemical feeder.

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

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

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

38 (b) No later than July 1, 2018, the Massachusetts board of building regulations and
39 standards shall adopt regulations to implement this section, including establishing the amount
40 and type of experience, training and examination requirements for a person to obtain a license.
41 Said requirements shall be necessary to meet the International Swimming Pool and Spa Code
42 (ISPSC).

43 1. Any person actively engaged in swimming pool construction and installation work
44 prior to July 1, 2018, may apply to the Massachusetts board of building regulations and standards
45 for such license. The board shall issue such license without examination upon demonstration by
46 the applicant of experience and training equivalent to the experience and training required to
47 qualify for examination for such license.

48 2. Any person actively engaged in swimming pool maintenance, service and repair work
49 prior to July 1, 2018, may apply to the Massachusetts board of building regulations and standards
50 for such license. The board shall issue such license without examination upon demonstration by
51 the applicant of experience and training equivalent to the experience and training required to
52 qualify for examination of such license.

53 (c) No person shall install a swimming pool unless such person holds a swimming pool
54 builder license issued by the Massachusetts board of building regulations and standards or is a
55 direct employee of a company that at all times has at least one employee who holds a swimming
56 pool builder license.

57 (d) No person shall maintain service or repair a swimming pool unless such person holds
58 either a swimming pool builder license or a swimming pool service license issued by the
59 Massachusetts board of building regulations and standards or is a direct employee of a company
60 that at all times has at least one employee who holds a swimming pool service and repair license.

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

64 (f) Any person who willfully: (i) Engages in or practices the work or occupation for
65 which a license is required by this section without having first obtained a license for such work,
66 as applicable, or is a direct employee of a company that holds a license for such work, as
67 applicable; (ii) Falsely pretends to qualify to engage in or practice such work or occupation, or
68 (iii) engages in or practices any of the work or occupations for which a license is required by this
69 section after the expiration of such person's license, shall be guilty of a misdemeanor and fined
70 not more \$1,000 for a first violation, not more than \$1500 for a second violation and not more
71 than \$3000 for each violation occurring less than 3 years after a second or subsequent violation.

72 (g) No later than July 1, 2019, licensure shall be required and the fee for a license shall be
73 \$150. The fee for a renewal for such licenses shall be \$100. Licenses shall be valid for 2 years
74 from the date of issuance. Licensing of any person to construct, build or install a swimming pool
75 shall be administered by the Massachusetts board of building regulations and standards. The
76 board shall also oversee the enforcement of the license and be responsible for implementing
77 extended regulations under this section.