

**HOUSE . . . . . No. 200**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Paul Brodeur***

*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 the licensure of swimming pool builders and service contractors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>1/18/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/1/2019</i>

**HOUSE . . . . . No. 200**

By Mr. Brodeur of Melrose, a petition (accompanied by bill, House, No. 200) of Paul Brodeur and Jason M. Lewis relative to the licensing of swimming pool builders and service contractors. Consumer Protection and Professional Licensure.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

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 as appearing in the Official 2016 edition  
2 is hereby amended by adding after section 100 the following section:

3 Section 101. (a) The following words shall, unless the context clearly requires otherwise,  
4 have the following meanings: "International Swimming Pool and Spa Code (ISPSC)", the  
5 Massachusetts adopted international code council publication for swimming pools and spas put  
6 into effect by the commonwealth January 1, 2018.

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

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

13 pool builder" means a person who, for financial compensation, excavates and grades for and  
14 constructs and installs a swimming pool, including, but not limited to, tiling, coping, decking and  
15 installation of associated circulation equipment such as pumps, filters and chemical feeder.

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

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

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

37 (b) No later than July 1, 2019, the Massachusetts board of building regulations and  
38 standards shall adopt regulations to implement this section, including establishing the amount  
39 and type of experience, training and examination requirements for a person to obtain a license.

40 Said requirements shall be necessary to meet the International Swimming Pool and Spa  
41 Code

42 (ISPSC).

43 1. Any person actively engaged in swimming pool construction and installation work  
44 prior to January 1, 2020, may apply to the Massachusetts board of building regulations and  
45 standards for such license. The board shall issue such license without examination upon  
46 demonstration by the applicant of experience and training equivalent to the experience and  
47 training required to qualify for examination for such license.

48 2. Any person actively engaged in swimming pool maintenance, service and repair work  
49 prior to January 1, 2020, may apply to the Massachusetts board of building regulations and  
50 standards for such license. The board shall issue such license without examination upon  
51 demonstration by the applicant of experience and training equivalent to the experience and  
52 training required to 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  
69 by this section after the expiration of such person's license, shall be guilty of a misdemeanor and  
70 fined not more \$1,000 for a first violation, not more than \$1500 for a second violation and not  
71 more than \$3000 for each violation occurring less than 3 years after a second or subsequent  
72 violation.

73 (g) No later than January 1, 2020, licensure shall be required and the fee for a license  
74 shall be \$150. The fee for a renewal for such licenses shall be \$100. Licenses shall be valid for 2  
75 years from the date of issuance. Licensing of any person to construct, build or install a swimming  
76 pool shall be administered by the Massachusetts board of building regulations and standards. The

77 board shall also oversee the enforcement of the license and be responsible for implementing  
78 extended regulations under this section.