

HOUSE No. 473

The Commonwealth of Massachusetts

PRESENTED BY:

David T. Vieira

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 registration of irrigation contractors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>1/16/2025</i>

HOUSE No. 473

By Representative Vieira of Falmouth, a petition (accompanied by bill, House, No. 473) of David T. Vieira for legislation to establish a board of registration of irrigation contractors. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to the registration of irrigation 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 13 of the General Laws, as appearing in the 2022 Official Edition,
2 is hereby amended by adding at the end thereof the following new section:-

3 Section 110. (a) There shall be a board of registration of irrigation contractors, referred to
4 hereafter as the board, consisting of seven members to be appointed by the governor, all
5 residents of the commonwealth, four of whom shall have been engaged in the irrigation
6 contracting industry for a period of not less than five years prior to their appointment, two of
7 whom shall have experience as manufacturer or distributor of irrigation equipment, systems or
8 components thereof, and one of whom shall be a representative of the public who is a
9 professional engineer or landscape architect, subject to the provisions of section 9B. As the term
10 of office of a member of the board expires, their successor shall be appointed in like manner for
11 a term of four years. Any vacancy in the membership occurring other than by expiration of a
12 term shall be filled in the same manner as the original appointment, but for the expired term

13 only. Each member shall continue to serve until the qualification of his successor. The governor
14 may also fill any vacancy in the board for the unexpired portion of the term.

15 (b) The board shall hold at least two regular meetings each year and may hold such
16 special meetings as it may determine. At the first regular meeting each year, the board shall
17 organize and choose a chair who shall be a member of the board and a secretary who may, but
18 need not, be a member of the board. At all meetings of the board a quorum shall consist of four
19 members.

20 (c) The members of the board shall serve without compensation, except that each
21 member shall receive from the commonwealth the necessary travel and other expenses actually
22 incurred by him in the performance of his duties.

23 SECTION 2. Chapter 112 of the General Laws, as so appearing, is hereby amended by
24 adding at the end thereof the following ten new sections:-

25 Section 290. The following words as used in this section and sections 291 to 299,
26 inclusive, shall, unless the context otherwise requires, have the following meanings:

27 “Board”, the Board of Registration of Irrigation Contractors.

28 “Business permit”, a business that holds a permit as approved by the board entitling it to
29 be called by the title “irrigation contracting business” and which employs at least one irrigation
30 contractor, certified under the provisions of sections 291 to 299, inclusive.

31 “Certified irrigation contractor”, an individual who is certified as such with the Irrigation
32 Association, as approved by the board.“

33 “Irrigation Association”, the professional trade organization that establishes and
34 maintains industry standards and guidelines for certification, education and professional
35 development and promotes modern water management skills and techniques for irrigated
36 agriculture, turf, landscape, and golf.

37 “Irrigation contracting”, the construction, the subcontracting, installation, repair
38 maintenance, improvement, winterization, alteration and management of any portion of an
39 irrigation system.

40 “Irrigation contractor”, a person who holds a certificate entitling him to be called by the
41 title “irrigation contractor” in the commonwealth under the authority of the board.

42 “Irrigation system”, any assemblage of components, materials or special equipment
43 which is constructed and permanently installed predominantly underground for controlled
44 dispersion of water from any safe and suitable source, for the purpose of irrigating landscape
45 vegetation or the control of dust and erosion on landscaped areas, including integral pumping
46 systems and including required wiring within that system and connection to a public or private
47 water supply system under the terms and conditions of a contract. An irrigation system, when
48 connected to a potable water supply, shall include a connection beginning at the downstream side
49 of a professionally installed backflow prevention device as required under 248 CMR 10.00. An
50 irrigation system shall not include plumbing, or a plumbing system as defined in chapter 142.

51 “Professional engineer”, a person who, by reason of his special knowledge of the
52 mathematical and physical sciences and the principles and methods of engineering analysis and
53 design acquired by professional education and practical experience, is qualified to practice
54 engineering, as attested by his registration as a professional engineer; provided, however, that

55 registration as a professional engineer shall not qualify a person to practice as an engineer
56 licensed under chapter 146.

57 “Professional irrigation consultant”, an independent irrigation designer responsible for
58 the preparation of irrigations system plans and specifications, the observation of system
59 construction and recommendations for irrigation management and who derives more than 80 per
60 cent of their income from professional consulting.

61 Section 291. The board shall review applications for certification, register and issue
62 certificates of registration, take appropriate disciplinary action, including but not limited to the
63 assessment of penalties or the suspension or revocation of said certification, require continuing
64 education requirements, and maintain a current roster of irrigation contractors in the
65 commonwealth.

66 The board shall review applications for business permits, issue business permits to firms,
67 partnerships or corporations engaged in the business of irrigation contracting and define any
68 restrictions or requirements regarding the use of such permit.

69 The board shall take appropriate disciplinary action, including but not limited to the
70 assessment of penalties or the suspension or revocation of said business permit, and maintain a
71 current roster of permitted irrigation contracting businesses in the commonwealth.

72 The board may adopt, amend, and rescind such rules and regulations, not inconsistent
73 with other provisions of the General Laws, as it deems necessary to carry out the provisions of
74 this chapter.

75 Section 292. No person shall construct, To subcontract , install, repair, improve,
76 winterize, or alter any portion of an irrigation system in the commonwealth nor shall they
77 represent themselves to be an irrigation contractor or use the title irrigation contractor in the
78 commonwealth on any advertisement, sign, title, card or other device to indicate that such person
79 is an irrigation contractor, unless such person shall have secured from the board a certificate of
80 registration as an irrigation contractor. A person may construct, install, repair, improve or alter
81 any portion of an irrigation system in the commonwealth if under the direct supervision of an
82 irrigation contractor.

83 Every holder of a certificate of such registration shall display it in a conspicuous place in
84 his principal office or place of employment, and on any plans specifically used in the
85 development, management, and installation of an irrigation system and on all advertisements,
86 signs, tiles, cards and vehicles.

87 No firm, partnership or corporation shall represent themselves as an irrigation contracting
88 business or use the title irrigation contracting business in the commonwealth on any
89 advertisement, sign, title, card or other device to indicate that such person is an irrigation
90 contracting business, to include sub-contracting unless such firm, partnership or corporation shall
91 have secured from the board a business permit as an irrigation contracting business or is acting
92 under the direct supervision of an irrigation contractor. Every holder of a business permit shall
93 display it in a conspicuous place in its principal office and on any vehicles used for such
94 commercial purposes.

95 Nothing herein shall be construed to prevent a firm, partnership, or corporation from
96 using the title “irrigation contractor” or “irrigation contractors”, or similar title provided that the

97 practice of irrigation contracting by such firm, partnership or corporation shall be under the
98 professional and supervisory control of a person registered as an irrigation contractor and the
99 entity holds a valid business permit.

100 Section 293. Before being examined for registration as an irrigation contractor, each
101 applicant shall submit evidence to the board that they are at least 18 years of age and of good
102 moral character; and are a citizen of the United States or have legally declared their intention of
103 so becoming. The board may also take into consideration for expedited review whether an
104 applicant is duly certified in good standing with the nationally recognized Irrigation Association
105 as a certified irrigation contractor. Applications shall include but not be limited to the applicant's
106 name, home address, social security number, and most recent W-2. Applicants shall attest, under
107 penalty of law, that the information provided in the application is true, accurate and complete
108 and will acknowledge that there are, or may be, significant civil and criminal penalties, including
109 fines or imprisonment, for knowingly submitting false, inaccurate or in- complete information or
110 statements. Said information and acknowledgements shall be completed on a form provided or
111 approved by the Board. If, at any time, the Board finds that an applicant obtained a landscape
112 irrigation contractor certificate or a business permit under false pretenses, such findings shall be
113 cause for revocation. Additional documentation may be required if the Board deems it necessary
114 to determine whether the applicant meets the above criteria.

115 Section 294. Before being examined for an original business permit or renewal of a
116 business permit, applicants are required to provide proof of liability and workers compensation
117 policies. Applicants must also provide the name of the business, address, federal tax
118 identification number. Said proof of insurance and business information shall be completed on a

119 form provided or approved by the Board and shall be issued in the name of the business permit
120 holder. The board shall be listed as the certificate holder and notified in any lapses of coverage.

121 Section 295. The board shall adopt rules and regulations including but not limited to the
122 establishment of an electronic registration system and shall publish appropriate announcements.
123 The board may require every applicant for registration as an irrigation contractor to establish, by
124 written examination through the Irrigation Association, his competency to plan, construct,
125 manage, install, and supervise the installation of irrigation contracting systems.

126 Section 296. The following shall not be required to be certified pursuant to sections 291
127 to 299, inclusive:

128 (a) An employee working under the direct supervision of an on-site irrigation contractor;

129 (b) A homeowner who installs an irrigation system at his or her place of residence;

130 (c) Anyone in the employ of a golf course for the purpose of maintaining or repairing an
131 existing irrigation system or the replacement of an existing irrigation system;

132 (d) Anyone installing an irrigation system to irrigate their own field crops, grain,
133 soybeans, hay, fruits, vegetables, Christmas trees, horticultural specialties to be offered for sale,
134 including nursery stock, ornamental shrubs, ornamental trees, flowers, and turf on turf farms;

135 (e) Vendors of irrigation contracting components, materials, or equipment who perform
136 only such functions as delivery, rendering of advice or assistance in the installation or normal
137 warranty service or exchange of defective or damaged goods;

138 (f) Duly certified and in good standing landscape architects and professional engineers;

139 and

140 (g) Professional irrigation consultant as defined by this statute.

141 Section 297. Applicants for certificates of registration and for business permits shall pay
142 a fee, to be established bi-annually by the secretary for administration and finance pursuant to
143 section 3B of chapter 7 and shall be paid to the board on or before the 31 day of January of every
144 other year. Each initial certificate of registration issued in accordance with this act shall expire
145 on January 31 of the second calendar year following issuance. All certificates of registration
146 issued thereafter shall remain valid for a period of two years and shall expire January 31 of the
147 second calendar year. A new permit issued anytime after the January 31 issuance date shall
148 remain valid until the regular January 31 date of expiration.

149 The board may assess a penalty to be added to the amount of the certificate for
150 delinquent payments.

151 Failure to renew certificate of registration within 60 days after notification by the board
152 that said certificate has expired, shall require such applicant to register anew and may require re-
153 examination, subject to the discretion of the board.

154 Fees for duplicate certificates shall also be established bi-annually by the secretary for
155 administration and finance and shall be collected at the time of the request for such documents.

156 Fees for business permits shall be determined bi-annually by the secretary for
157 administration and finance pursuant to section 3B of chapter 7 and shall be paid to the board.
158 Each initial business permit issued in accordance with this act shall expire on January 31 of the
159 second calendar year following issuance. All permits issued thereafter shall remain valid for a
160 period of two years and shall expire January 31 of the second calendar year. A new permit

161 issued anytime after the January 31 issuance date shall remain valid until the regular January 31
162 date of expiration.

163 Section 298. The board may refuse to issue, renew, suspend, or revoke the certificate of
164 registration or business permit upon proof satisfactory to the board:

165 (a) that the holder of such certificate of registration or business permit is in violation of
166 any provision of sections 291 to 299, inclusive, or of any rule or regulation promulgated by the
167 board;

168 (b) that such certificate of registration or business permit was obtained by fraud or
169 misrepresentation;

170 (c) that any money or thing of value, except fees prescribed or authorized by said
171 sections, was paid or received to secure the issuance of such certificate of registration or business
172 permit;

173 (d) that the holder of such certificate of registration or business permit has been guilty of
174 a felony;

175 (e) that the holder of such certificate of registration or business permit has been guilty of
176 fraud or deceit, or of gross negligence, incompetence, or misconduct, in the use of the title of
177 irrigation contractor; or

178 (f) that the holder of such certificate of registration or business permit has permitted or
179 suffered his certificate to be affixed to any system plans that were not prepared by him or under
180 his personal supervision by his regularly employed subordinates.

181 The board may reissue a certificate of registration or business permit to any person whose
182 certificate of registration or business permit has been revoked. Application for the re-issuance of
183 a certificate of registration or business permit shall be made in such manner as the board may
184 direct.

185 Section 299. It shall be unlawful for any person to:

186 (a) hold himself as an irrigation contractor unless he is registered under the provisions of
187 sections 291 to 299, inclusive;

188 (b) present as his own the certificate of registration of another;

189 (c) give false or forged evidence to the board of registration or any member thereof in
190 obtaining a certificate;

191 (d) falsely impersonate any other registrant of like or different name;

192 (e) use or attempt to use a certificate of registration that has been revoked; or

193 (f) otherwise violate any of the provisions of said sections.

194 A fine of not less than 1,500 dollars nor more than 2,500 dollars, or by imprisonment for
195 not more than one year, or both shall be set for a first offense. A fine of not less than 2,500
196 dollars nor more than 5,000 dollars, or by imprisonment for not more than two year, or both shall
197 be set for each and every subsequent offense. Violations shall be considered unfair and
198 deceptive acts and subject to the provisions of chapter 93A.