

HOUSE No. 5491

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 9, 2026.

The committee on Ways and Means, to whom was referred the Bill implementing the recommendations of the Walsh-Kennedy Commission Report (House, No. 2692), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5491).

For the committee,

AARON MICHLEWITZ.

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

An Act implementing the recommendations of the Walsh-Kennedy Commission Report.

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 148 of the General Laws is hereby amended by inserting after
2 section 10H the following 2 sections:-

3 Section 10I. All certifications and training programs for cutting, welding and hot works
4 processes shall be performed using a program approved by the state fire marshal that includes: (i)
5 a thorough and accessible electronic database maintained by the department of fire services that
6 can be used to check a worker’s status; (ii) multi-lingual in-class offerings; (iii) identity integrity
7 safeguards; (iv) in-person initial training; and (v) subsequent annual continued education
8 program either online or in person.

9 Section 10J. The department of fire services shall, in consultation with the department of
10 occupational licensure, or any other executive agency or department deemed necessary, establish
11 a system of public notification and recording of non-compliance with regulations and statues
12 pertaining to cutting, welding and hot works processes. The system may include quarterly

13 publications, an online database, an automated notification system to alert property owners and
14 communication with insurance companies.

15 SECTION 2. Said chapter 148 is hereby further amended by striking out section 34 and
16 inserting in place thereof the following section:-

17 Section 34. (a) Except as otherwise provided, any person violating any provision of this
18 chapter shall be liable to a fine of \$100, or, in case of a continuing offense after notice of such
19 violation, to a fine of not more than \$100 for every day during which the violation continues.

20 (b) Notwithstanding subsection (a), any violation that pertains to cutting, welding or hot
21 works processes shall be subject to the following for said violation: (i) for a first offense, a fine
22 of not more than \$1,000; (ii) for a second offense, a fine of not more than \$2,000 or
23 imprisonment in a house of correction for not more than a year, or both; (iii) for a third or
24 subsequent offense, a fine of not more than .025 per cent of the total project value, or \$10,000,
25 whichever is greater, or imprisonment in the house of correction for up to 2.5 years, or both.
26 Pursuant to this subsection, a judge may take into account the size of the project on which the
27 violation occurred and levy additional fines if the total cost of said project is such that the fine is
28 inadequate to deter continued offenses.

29 SECTION 3. Said chapter 148 is hereby further amended by striking out section 34B and
30 inserting in place thereof the following section:-

31 Section 34B. (a) For the purposes of this section, the following words shall, unless the
32 context clearly requires otherwise, have the following meanings:

33 “Criminal negligence”, repeated, reckless and knowing failure to comply with this
34 chapter or regulations promulgated thereunder and failure to perceive a substantial and
35 unjustifiable risk that a result would occur from said failure. The risk shall be of such nature and
36 degree that failure to perceive it constitutes a gross deviation from the standard of care that a
37 reasonable person would observe in the situation.

38 “Serious bodily injury”, bodily injury that results in a permanent disfigurement, loss or
39 impairment of a bodily function, limb or organ, or a substantial risk of death.

40 (b)(1) Any person who wantonly or recklessly violates the state building code or state fire
41 code and thereby causes serious bodily injury to any person shall be punished by a fine of not
42 more than \$250,000 or by imprisonment in the state prison for not more than 5 years or in a
43 house of correction for not more than 2 1/2 years, or both a fine and imprisonment.

44 (2) Any person who wantonly or recklessly violates the state building code or state fire
45 code and thereby causes death to any person shall be punished by a fine of not more than
46 \$500,000 or by imprisonment in the state prison for not more than 7 years or in a house of
47 correction for not more than 5 years, or both a fine and imprisonment.

48 (c) Any person found to have acted with criminal negligence may be determined to be
49 criminally liable for damage or death stemming from repeated and reckless non-compliance with
50 requirements set forth in the state building code or state fire code.