

SENATE No. 3251

The Commonwealth of Massachusetts

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

SENATE, August 10, 2026.

The committee on Senate Ways and Means to whom was referred the House Bill implementing the recommendations of the Walsh-Kennedy Commission Report (House, No. 5491); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 3251.

For the committee,
Michael J. Rodrigues

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In the One Hundred and Ninety-Fourth General Court
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1 SECTION 1. Chapter 148 of the General Laws is hereby amended by inserting after
2 section 10H the following section:-

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) multilingual in-class offerings; (iii) identity integrity
7 safeguards; (iv) in-person initial training; and (v) subsequent annual continuing education
8 program either online or in person.

9 SECTION 2. Said chapter 148 is hereby further amended by striking out section 34, as
10 appearing in the 2024 Official Edition, and inserting in place thereof the following section:-

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

14 (b) Notwithstanding subsection (a), any violation that pertains to cutting, welding or hot
15 works processes shall be subject to the following for said violation: (i) for a first offense, a fine
16 of not more than \$1,000; (ii) for a second offense, a fine of not more than \$2,000 or

imprisonment in a house of correction for not more than a year, or both such fine and imprisonment; and (iii) for a third or subsequent offense, a fine of not more than .025 per cent of the total project value or \$10,000, whichever is greater, or imprisonment in a house of correction for up to 2 1/2 years, or both such fine and imprisonment. Pursuant to this subsection, a judge may take into account the size of the project on which the violation occurred and levy additional fines if the total cost of said project is such that the fine is inadequate to deter continued offenses.

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

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

“Criminal negligence”, repeated failures to comply with the state building code or state fire code and failure to perceive a substantial and unjustifiable risk that serious bodily injury or death would result from said failures, where the risk is of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

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

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

39 (2) Any person who wantonly or recklessly or with criminal negligence violates the state
40 building code or state fire code and thereby causes death to any person shall be punished by a
41 fine of not more than \$500,000 or by imprisonment in the state prison for not more than 10 years
42 or in a house of correction for not more than 2 1/2 years, or both such fine and imprisonment.