

HOUSE No. 200

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:

Paul Brodeur

32nd Middlesex

Jason M. Lewis

Fifth Middlesex

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.