

HOUSE No. 397

The Commonwealth of Massachusetts

PRESENTED BY:

Erika Uyterhoeven

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 profession of fire-resistant material applicators.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>1/19/2023</i>

HOUSE No. 397

By Representative Uyterhoeven of Somerville, a petition (accompanied by bill, House, No. 397) of Erika Uyterhoeven relative to licensing of the profession of fire-resistant material applicators. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to the profession of fire-resistant material applicators.

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 112 of the General Laws is hereby amended by inserting after
2 section 289 the following section, titled “Fireproofing Applicators; License Requirement”:-

3 Section 290. (a) As used in this section, the following terms shall have the meaning
4 ascribed as follows:

5 (1) "Fire-resistant material" means cementitious or fibrous materials that are sprayed onto
6 a surface to provide fire-resistant protection of the substrate.

7 (2) "Fire-resistant material applicator" means an individual who applies fire resistant
8 materials.

9 (b) Requirements.

10 (1) Every fire-resistant material applicator shall undergo training to apply fire-resistant
11 materials according to manufacturer specifications.

12 (2) Every fire-resistant material applicator shall annually register with the board of
13 examiners of fireproofing applicators.

14 (3) When a fire-resistant material applicator satisfactorily completes training and registers
15 as required by this subsection, the state board of examiners of fireproofing applicators shall issue
16 a license that indicates that the fire-resistant material applicator is qualified to apply fire-resistant
17 material.

18 (c) Violations. Any person applying fire-resistant material who does not receive the
19 training, register, and obtain a license as required in subsection (b) of this section shall be fined
20 up to two hundred-fifty dollars per violation.

21 SECTION 2. Chapter 13 of the General Laws is hereby amended by inserting after
22 section 109 the following section, titled "Board of Examiners of Fireproofing Applicators":-

23 Section 110. (a) There shall be within the division of occupational licensure a board of
24 examiners of fireproofing applicators to consist of 7 voting members; 2 of whom will be
25 designees of the commissioner of the division of occupational licensure and 5 persons, residents
26 of the commonwealth, to be appointed by the governor for terms of 3 years, 2 of whom shall be
27 fireproof applicators with at least 10 years of practical experience and who are wage earners, 2 of
28 whom shall be fireproof applicators with at least 10 years of practical experience and 1 of whom
29 shall be a representative of the public and subject to section 9B.

30 (b) No member shall serve for more than 2 consecutive and complete 3-year terms. As
31 the term of the office of a member expires, a successor shall be appointed in like manner for a
32 term of 3 years. The governor may fill a vacancy in the board for the unexpired portion of the
33 term.

34 (c) The board shall annually elect from among its members a chairperson and vice-
35 chairperson. The board shall meet at least 4 times annually and may hold additional meetings as
36 necessary to discharge its duties. Members shall serve without compensation but shall be entitled
37 to reasonable travel expenses. The members of the board shall be public employees for the
38 purposes of chapter 258 for all acts or omissions within the scope of their duties as board
39 members.

40 (d) The board shall have the following powers and duties: (i) to administer and enforce
41 section 290 of chapter 112; (ii) to adopt rules and regulations governing the licensure of fireproof
42 applicators, and business entities and schools teaching fireproof applicators; (iii) to establish
43 standards of professional and ethical conduct; (iv) to establish standards for continuing education
44 reflecting acceptable national standards; and (v) in conjunction with the division of occupational
45 licensure, to investigate complaints, conduct inspections, request and review business records of
46 licensees, and set and administer penalties as defined in sections 61 to 65E, inclusive, of said
47 chapter 112 and section 290 of chapter 112 for fraudulent, deceptive or professionally
48 incompetent and unsafe practices and for violations of rules and regulations promulgated by the
49 board.