

SENATE No. 1554

The Commonwealth of Massachusetts

PRESENTED BY:

Nick Collins

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 implementing the recommendations of the Walsh-Kennedy Commission Report.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Nick Collins</i>	<i>First Suffolk</i>	
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/25/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/4/2021</i>

SENATE No. 1554

By Mr. Collins, a petition (accompanied by bill, Senate, No. 1554) of Nick Collins, Angelo J. Puppolo, Jr. and Michael O. Moore for legislation to implement the recommendations of the Walsh-Kennedy Commission Report. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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. Notwithstanding and general or special law to the contrary, all certifications
2 and training programs for cutting, welding, and hot works processes shall be performed using the
3 existing National Fire Protection Association program or an equivalent program that includes a
4 thorough and accessible electronic database that can be used to check a worker's status, multi-
5 lingual in-class offerings, identity integrity safeguards, in-person original training, and
6 subsequent annual continued education program either online or in person.

7 SECTION 2. Section 1 of Chapter 148 of the Massachusetts General Laws is hereby
8 amended by inserting at the end thereof the following: ""Criminal Negligence", Repeated,
9 reckless, and knowing failure to comply with the regulations contained in this chapter, and
10 failure to perceive a substantial and unjustifiable risk that a result would occur from said failure.
11 The risk must be of such nature and degree that failure to perceive it constitutes a gross deviation
12 from the standard of care that a reasonable person would observe in this situation."

13 SECTION 3. Section 34B of chapter 148 of the Massachusetts General Laws is hereby
14 amended by striking out the section in its entirety and inserting in place thereof the following:
15 "SECTION 34B. Any person who wantonly or recklessly violates the state building code or state
16 fire code and thereby causes serious bodily injury to any person shall be punished by a fine of
17 not more than \$250,000 or by imprisonment in the state prison for not more than 5 years or in a
18 house of correction for not more than 2 1/2 years, or both. Any person who wantonly or
19 recklessly violates the state building code or state fire code and thereby causes death to any
20 person shall be punished by a fine of not more than \$500,000 and/or by imprisonment in the state
21 prison for not more than 7 years or in a house of correction for not more than 5 years, or both.
22 Any person found to have acted in accordance with the definition of criminal negligence in
23 section 1 of this chapter may be determined to be criminally liable for damage or death stemming
24 from repeated and reckless non-compliance with requirements set forth in this chapter. For
25 purposes of this section, "serious bodily injury" shall mean bodily injury that results in a
26 permanent disfigurement, loss or impairment of a bodily function, limb or organ, or a substantial
27 risk of death. SECTION 4. Section 34 of Chapter 148 is hereby amended by striking out the
28 section in its entirety and inserting in place thereof the following: "Section 34. Except as
29 otherwise provided, any person violating any provision of this chapter shall be liable to a fine of
30 one hundred dollars, or, in case of a continuing offence after notice of such violation, to a fine of
31 not more than one hundred dollars for every day during which the violation continues, unless
32 said violation pertains to cutting, welding, or hot works processes. In the event of any person
33 violating regulations regarding cutting, welding, or hot works processes, said person shall be
34 liable to the following punishments: First offense: a fine of not more than \$1,000 Second
35 offense: a fine of not more than \$2,000 and/or imprisonment in the house of correction for up to

36 a year, provided that the Judge shall have the authority to take into account the size of the project
37 on which the violation occurred and levy additional fines if the total cost said project is such that
38 the fine is inadequate to deter continued offenses. Third and continuing offenses: a fine of not
39 more than .025% of the total project value, or \$10,000, whichever is greater, and/or
40 imprisonment in the house of correction for up to 3 years." SECTION 5. Notwithstanding any
41 general or special law to the contrary, the Department of Fire Safety shall, in consultation with
42 the Department of Professional Licensure, or any other executive agency or department it deems
43 necessary, establish a system of public notification and recording of non-compliance with
44 regulations and statues pertaining to cutting, welding, and hot works processes. Said system may
45 include: quarterly publications, an online database, an automated notification system to alert
46 property owners, and/or communication with insurance companies.