

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Martin J. Walsh

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 passage of the accompanying bill:

An Act relative to floor finishing.

PETITION OF:

NAME:

Martin J. Walsh

DISTRICT/ADDRESS:

13th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3891 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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AN ACT RELATIVE TO FLOOR FINISHING.

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 111 of the 2002 Official Edition is hereby amended by adding the
2 following section:

3 (a) The director shall, by July first, two thousand and five, establish regulations for the licensing
4 of hardwood floor finishers, sanders and installers. The director shall prescribe the requirements
5 for licensure and may set conditions and restrictions governing the revocation and suspension of
6 licenses. The director shall periodically assess the number of applications for licensed floor
7 industry inspectors and may, subject to appropriation, increase the frequency of training sessions
8 required for licensure, if necessary, in order to process said applications in an efficient and
9 timely fashion. The director may, subject to appropriation, ensure that there are a sufficient
10 number of training sites available throughout the commonwealth.

11 (1) No persons shall enter into engage in or conduct floor industry inspections unless such
12 person shall have received a license therefor.

13 (2) The director may, by regulation, authorize employees of the state program, local boards of
14 health and code enforcement agencies to temporarily conduct inspections without receiving such
15 a license during a period ending July first, two thousand and seven. The director shall set a date
16 after which only licensed inspectors may conduct inspections adequate to comply with sections
17 one hundred and eighty-nine A to one hundred and ninety-nine, inclusive, and to qualify for tax
18 credits under paragraph (e) of section six of chapter sixty-two, but in no event shall that date be
19 later than July first, two thousand and seven. The director shall also set out the conditions, if any,
20 under which unlicensed inspectors may conduct such inspections during this transition period.

21 (b) The department of labor and workforce development shall, by July first, two thousand and
22 five and in consultation with the director, establish regulations for the licensing of floor finishers,
23 sanders and installers. The department of labor and workforce development shall prescribe the
24 requirements for licensure and may set conditions and restrictions governing the revocation and
25 suspension of licenses.

26 (b) The department of labor shall, by July first, two thousand and five and in consultation with
27 the director, establish regulations for the licensing of floor finishers, sanders and installers. The
28 department of labor shall prescribe the requirements for licensure and may set conditions and
29 restrictions governing the revocation and suspension of licenses.

30 (1) Such regulations shall require the training of workers in subjects including, but not limited
31 to, safe work practices, instruction in health risks, precautionary measures, protective equipment,
32 and other safeguards, including practices to prevent contamination of the residential premises,
33 ambient discharges and ground contamination. On site instruction shall be a component of the
34 required training. Said department shall periodically assess the number of applications for
35 licensed floor finishers, sanders and installers and may, subject to appropriation, increase the
36 frequency of training sessions required for licensure, if necessary, in order to process said
37 applications in an efficient and timely manner. Said department may, subject to appropriation,
38 also ensure that there are a sufficient number of training sites available throughout the
39 commonwealth. No person licensed as an inspector shall receive anything of value for referring
40 any person to a licensed floor finishers, sanders and installers. Violation of this subsection shall
41 be punishable by license revocation and by civil penalty of not more than one thousand dollars.

42 (2) No person shall enter into engage in or conduct floor finishing, sanding and installing
43 operations unless such person shall have received a license therefor.

44 (3) The director of labor and workforce development, jointly with the director, shall set a date
45 after which only licensed floor finishers, sanders and installers may conduct removal and
46 covering adequate to comply with section 197 and to qualify for tax credits under paragraph (e)
47 of section 6 of chapter 62 but in no event shall the date be later than July 1, 1990. Said director
48 of labor and workforce development, jointly with the director, shall also set out the conditions, if
49 any, under which unlicensed floor finishers, sanders and installers may conduct such removal
50 and covering during this transition period.

51 (c) The department of labor and workforce development shall, by July first, two thousand and
52 five and in consultation with the director, promulgate regulations to protect the occupational
53 safety and health of licensed floor industry inspectors and floor finishers, sanders and installers.
54 Such regulations may be more, but not less, stringent than applicable federal standards. The
55 department shall also, by July first, two thousand and five and in consultation with the director,
56 promulgate regulations specifying licensing requirements and/or safety procedures to be used by
57 all persons employed in performing renovations or rehabilitation in a manner that requires the
58 use of floor sanding, installing and finishing products.

59 (d) All private retail enterprises associated with the distribution of floor sanding, installing and
60 finishing products shall be certified by the department of public health and shall follow storage
61 protocols established by the department of public health.

62 (e) The director and the director of labor and workforce development shall charge fees for
63 licensure and certification in an amount determined annually by the commissioner of
64 administration under the provisions of section 3B of chapter 7.

65 (f) The director, with respect to licensing of floor industry inspectors under subsection (a), and
66 the department of labor and workforce development, with respect to licensing of floor finishers,
67 sanders and installers under subsection (b), shall enforce the provisions of this section as
68 appropriate and shall have all necessary powers therefore.

69 (1) The appropriate agency may revoke, suspend, cancel or deny any certification or any
70 license, at any time, if it believes that the terms or conditions thereof are being violated or that
71 the holder of or applicant for the certification or license has violated any regulation of the
72 department of public health or the department of labor and workforce development or any other
73 regulation or law of the commonwealth. Any person aggrieved by a determination by the director
74 or the department to issue, deny, revoke or suspend any certification or license may request an
75 adjudicatory hearing under the provisions of chapter thirty A.

76 (2) Any person who violates the terms or conditions of any certification or license issued under
77 this section or any regulation or law of the commonwealth concerning such licensing or
78 certification shall be punished by a fine of not less than five hundred nor more than fifteen
79 hundred dollars for each offense. The director or the department of labor and workforce
80 development may file a written complaint with the district court in the jurisdiction in which the
81 violation occurred. Punishment by fine under this section may be in addition to the suspension of
82 any license or certification.

83 (3) A representative of the director or the department of labor and workforce development or a
84 board of health or local code enforcement agency may issue an immediate cease-work order to
85 any person who violates the terms or conditions of any license issued under this section or any
86 provision of this section or section one hundred and ninety-seven or any regulation or order
87 issued thereunder if such violation will endanger or materially impair the health or well-being of
88 any occupant of a residential premises, any floor industry inspector, any floor finishers, sanders
89 and installers or any person employed in performing renovations or rehabilitation in a manner
90 that requires the use of dangerous floor finishing, sanding or installing materials.

91 (4) Nothing in this section shall be construed to limit the authority of the department of labor
92 and workforce development under chapter one hundred and forty-nine.

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