

SENATE NO. 175

AN ACT REQUIRING ANY INDIVIDUAL WHO SELLS, INSTALLS, REPAIRS OR RENOVATES ABOVE-GROUND OR IN-GROUND SWIMMING POOLS TO BE LICENSED BY THE COMMONWEALTH

*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 any general or special law to the contrary, any individual who
2 sells, installs, repairs, or renovates above-ground (on ground) or in-ground residential or commercial
3 swimming pools, must be licensed by the Commissioner of the Department of Public Safety. Said
4 licensed installer or an associate installer, shall secure, maintain, and file with the department
5 satisfactory proof of a certificate of an errors and omissions policy, which shall be in a minimum
6 amount of \$250,000 in the aggregate. Every proof of an errors and omissions policy shall stipulate that
7 cancellation or non-renewal of the policy shall not be effective until at least ten days' notice of
8 intention to cancel or not renew has been received in writing by the department. Notwithstanding any
9 general or special law to the contrary, any individual who sells, installs, repairs, or renovates above-
10 ground (on ground) or in-ground residential or commercial swimming pools, must be licensed by the
11 Commissioner of the Department of Public Safety. Said licensed installer or an associate installer,

12 shall secure, maintain, and file with the department satisfactory proof of a certificate of an errors and
13 omissions policy, which shall be in a minimum amount of \$250,000 in the aggregate. Every proof of
14 an errors and omissions policy shall stipulate that cancellation or non-renewal of the policy shall not
15 be effective until at least ten days' notice of intention to cancel or not renew has been received in
16 writing by the department. No pool installer or associate pool installer may supervise or perform a
17 sale, installation, repair, or renovation unless his performance of the sale, installation, repair, or
18 renovation is covered by an errors and omissions policy of at least \$250,000 in the aggregate. Such
19 proof shall be deemed satisfactory if the policy is carried by the licensed company, partnership or
20 franchise for which the pool installer or associate pool installer is a contracted employee and the pool
21 installer or associate pool installer is specifically covered by such policy.

22 SECTION 2. Whoever, not being licensed as a pool installer or an associate pool installer,
23 holds himself out as such or whoever, being licensed, impersonates another pool installer or associate
24 pool installer or violates any rule or regulation made by said department and performs a pool sale,
25 installation, repair, or renovation, may be assessed a civil penalty of not more than \$5,000 for each
26 violation. Such civil penalty may be assessed by the department after hearing and may be enforced by
27 the courts of the commonwealth.

28 SECTION 3. Any licensed company, partnership or franchise involved in the sale, installation,
29 repair or renovation of above-ground (on ground) or in-ground residential or commercial swimming
30 pools, who sub-contracts with or refers an independent agent to sell, install, repair or renovate said
31 pools on their behalf, shall be held vicariously liable for the errors and omissions of said independent
32 agent.