

SENATE NO. 182

AN ACT RELATIVE TO LICENSING SHEET METAL WORKERS AND SHEET METAL 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. Section 36 of Chapter 13 of the General Laws, as appearing in the 2004 official edition,
2 is hereby amended by striking out the first paragraph and inserting in place thereof the following
3 paragraph:—
4 “There shall be a board of state examiners of plumbers, gas fitters, and sheet metal workers, in sections
5 37 and 38 called the examiners, to consist of eleven members who shall be citizens of the
6 commonwealth, one of whom shall be the commissioner of
7 public health or his designee, one of whom shall be the commissioner of public safety or his designee
8 and seven persons to be appointed by the governor, one of whom shall have at least 10 years of
9 practical experience as a master plumber, one of whom shall be a journeyman plumber with at least 10
10 years of practical experience and who is a wage earner, one of whom shall be a sanitary or plumbing
11 engineer, one of whom shall be a master gas fitter with at least ten years of practical experience in the

12 field of undiluted liquefied petroleum gas and natural gas, one of whom shall be a journeyman gas
13 fitter with at least 10 years of practical experience and who is a wage earner, one of whom shall be a
14 master or journeyman gas fitter with at least 10 years of practical
15 experience in the design and installation of liquefied petroleum gas systems, one of whom shall be a
16 representative of the public subject to the provisions of section 9B, one of whom shall be a
17 journeyperson sheet metal worker with at least 10 years of practical
18 experience, and one of whom shall be a heating, ventilation and air conditioning contractor with at
19 least 10 years experience in the design, fabrication, and installation of air handling systems, including
20 ductwork. The board of state examiners of plumbers,
21 gas fitters, and sheet metal workers shall establish the requirements for licensure, fees, and standards
22 for the licensure, and professional and ethical conduct in accordance with the provisions of this
23 chapter, shall authorize and conduct appropriate examinations to determine the qualifications of
24 applicants to be licensed, which shall include setting reasonable fees for the examination, and grant
25 licenses to who applicants qualify under this chapter and chapter 142 and met the requirements of the
26 board’s rules and regulations. As the term of office of a member expires, the governor shall appoint a
27 successor to serve for three years. The governor shall designate the chairperson of the board and may,
28 at any time, change such designation.”

29 SECTION 2. Section 1 of Chapter 142 of the General Laws, as appearing in the Chapter 142, section
30 1, is hereby amended after line 2 by inserting the following definitions:—

31 “Examiners”, the board of state examiners of plumbers, gas fitters, and sheet metal workers appointed
32 under section 36 of chapter 13. “Journeyperson sheet metal worker”, any person who has completed a
33 5 year apprentice program or who has 5 years of experience performing sheet metal work as described
34 in section 3B, and who has passed an examination and been issued a license as provided in this

35 chapter. “Sheet metal worker apprentice”, any person at least 18 years of age who is learning or
36 working at the business of sheet metal work under the direct supervision of a sheet metal contractor or
37 journeyman sheet metal worker and under a registered, apprentice program approved by the board.
38 “Sheet metal contractor”, a person having a regular place of business and who, by him or herself or a
39 journeyman sheet metal worker in his or her employ, performs sheet metal work.

40 SECTION 3. Chapter 142 of the General Laws, as appearing in the 2004 official edition, is hereby
41 amended by inserting after section 3 the following new section:—

42 “Section 3C. No person shall engage to work as a journeyman sheet metalworker nor shall any
43 person advertise or represent in any form or matter that he or she is a journeyman sheet metalworker
44 unless that person possesses and carries on his or her person a valid license issued by the examiners as
45 provided in this chapter and carry said license at all times when engaged in the business and practice
46 of sheet metal work. A license is required for the manufacturing, fabrication, assembling, handling,
47 erection, installation, dismantling, conditioning, adjustment, alteration, repairing, and servicing of all
48 ferrous or non-ferrous metal work and all other materials in lieu thereof and all air-veyor systems and
49 including, but not limited, to air handling systems regardless of the material used, including
50 specifically the handling, fabricating, setting, installation, assembling, dismantling, adjustment,
51 alteration, reconditioning, repairing of all ductwork; installation of fans, sheaves, belt guards, dampers,
52 louvers, screens, registers, grilles, diffusers, sound traps, attenuators, mixing boxes, access doors
53 related to air handling systems, breaching, hoods, and any and all appurtenances relating to a H.V.A.C
54 and exhaust system, architectural sheet metal work, including flashings, which are “through-wall”,
55 gutters, downspouts, coping, fascia, metal roofing, soffits, and other appurtenances relating to the
56 Sheet Metal Industry, the testing, adjusting, and balancing of all air-handling equipment and ductwork,
57 the fabrication and installation of kitchen hoods, kitchen vents, bathroom exhaust vents, fans, stainless

58 steel counter tops, and commercial kitchen equipment installed in buildings accessible to the public,
59 which includes but is not limited to hotels, restaurants, hospitals, educational facilities, office
60 buildings, and retail stores; and provided that said regulations shall not be in conflict with conducted
61 by a license pipefitter under chapter 142 and chapter 146.

62 Section 3D. No corporation, firm, association, or partnership shall engage in business, advertise, make
63 application for and take out permits, bid for work, or represent itself as a sheet metal contractor unless
64 a licensed sheet metal contractor, as provided in this chapter, is continuously engaged in the
65 supervision of such entity's installation, maintenance, and repair of ductwork and such licensed
66 contractor is an officer of such corporation, a partner in such partnership, or a similarly authorized
67 principal of any such

68 firm, association, or other entity, or said entity shall possess a valid sheet metal contractor's license, as
69 applicable, duly issued by the board of examiners as further described in chapter 13 and chapter 142.

70 No corporation, firm, association, partnership, or other entity which engages in, offers to engage in, or
71 represents that it engages in air distribution systems installation, maintenance, or repair ductwork in
72 the commonwealth shall be permitted to incorporate, form, qualify to do business, or otherwise
73 register with the secretary of state's office until and unless that office shall have first received a written
74 confirmation from the board of examiners that all requisite licenses to be issued have been so issued
75 and remain in good standing. Upon a person's application of any of the above entities in form and
76 substance prescribed by the board of examiners and this chapter, and receipt of the fee for such
77 application and license which shall be equal to the fee for a sheet metal contractor's license as
78 described in section 6, as the same may be amended from time to time, the board of examiners shall
79 issue the applicant entity a license as a sheet metal contractor, as applicable. Such contractor's license
80 shall specify the name of the entity holding the license and shall state that such license holder shall

81 have a licensed sheet metal contractor, as such term is defined in section 2, who shall be continuously
82 engaged in the supervision of such entity's installation, maintenance, and repair ductwork, and who
83 shall be an officer of such corporation, a partner in such partnership, or a similarly authorized principal
84 of any such firm, association, or other entity, or shall be continuously employs at all times while
85 holding such license a duly licensed sheet metal contractor, as applicable, as provided in this chapter,
86 who shall be continuously engaged in the supervision of such entity's installation, maintenance, and
87 repair ductwork. The sheet metal contractor's license shall entitle the entity holding the same to
88 engage in business, advertise, bid for work, or represent itself as a sheet metal contractor and shall also
89 entitle such entity to make application for and take out permits through its duly authorized officer or
90 similarly authorized principal as well as through the duly licensed sheet metal contractor continuously
91 employed by such entity as stated above, as the case may be. Such sheet metal contractor's license
92 shall not, however, in and of itself permit a principal, officer, employee, or agent of the entity holding
93 such license to individually engage in installation, maintenance, or repair ductwork as described above
94 unless such principal, officer, employee, or agent is individually licensed to do so. Any work engaged
95 in, advertised for, applied for by permit, bid for, or represented to be permissible, shall be solely of the
96 type for which the licensed sheet metal contractor who serves as an officer or similarly authorized
97 principal of the entity who is continuously employed by the entity holding a sheet metal contractor's
98 licenses, is duly licensed to perform. Any licensed sheet metal contractor who serves as an officer or
99 similarly authorized principal of such an entity or who is continuously employed by an entity holding
100 a contractor's license shall represent the interests of one such entity and only one such entity at any
101 given time as described above. In the event that the licensed sheet metal contractor described above
102 shall cease to be an officer or similarly authorized principal of one of the entities described above or
103 shall cease to be continuously employed by an entity holding a contractor's license for any reason

104 whatsoever, such entity shall provide written notice of the same to the board of examiners no more
105 than 14 days after the effective date of the occurrence of the cessation. Any entity so affected shall
106 provide written notice to the board of examiners specifying the licensed sheet metal contractor who
107 shall replace the departed licensed sheet metal contractor, as applicable, referenced above no more
108 than 45 days after the effective date of occurrence of such cessation. The board may revoke the license
109 of any licensee which willful violates this section.

110 SECTION 4. Section 4 of Chapter 142 as appearing the General Laws, as appearing in the 2004
111 official edition, is hereby amended by striking out the paragraph in its entirety and inserting in place
112 thereof the following new paragraph:—

113 “The examiners may make such rules as they deem proper for the performance of their duties and rules
114 governing the qualifications of applicants for examination, which shall take effect when approved by
115 the general court and by the department of public health. They shall examine each applicant desiring to
116 engage in the business of a master plumber or a journeyman plumber, as to his practical knowledge of
117 plumbing, house drainage, plumbing ventilation, and gas fitting. They shall examine each applicant
118 desiring, to engage in the business of a master gas fitter or a journeyman gas fitter as to his practical
119 knowledge pertaining to gas fitting, natural and manufactured gas and the installation of undiluted
120 liquefied petroleum. They shall examine each person who applies to be licensed as an undiluted
121 liquefied petroleum gas installer, and each person who applies to be licensed as a limited undiluted
122 liquefied petroleum gas installer. They shall examine
123 each person who applies to be licensed as a journeyperson sheet metal worker, and each applicant who
124 applies to be licensed as a sheet metal contractor, as to his or her practical knowledge of sheet metal
125 work as defined in sections 3C and 3D of this chapter. They shall subject each applicant to a practical
126 test satisfactory to the examiner, who, if satisfied of his competence, shall issue to him a license as

127 applied for. They shall hold frequent examinations in the city of Boston, and also at such other
128 convenient places within the Commonwealth as they deem necessary. Public notice shall be given of
129 all examinations. Every application for examination shall be in the handwriting of the applicant who
130 shall be notified by the examiners of the time and place of examination.

131 The examiners may, without payment of any fee, issue a probationary license in force for six months
132 to a person who, having worked as an apprentice, or under a verbal agreement or instruction, for not
133 less than three years, presents an application therefore with the signed endorsement of his employer
134 agreeing to be responsible for all work done under the license and to have the licensee, at the
135 expiration of the license, present himself for examination as a journeyman. They shall grant a credit of
136 five per cent to the examination standing of each applicant who is a veteran, as defined in clause 43 of
137 section 7 of chapter 4.”

138 SECTION 5. Chapter 142 of the General Laws, as appearing in the 2004 official edition, is hereby
139 amended by inserting after section 4A the following new sections:— “Section 4B. The board shall
140 establish rules and regulation for applicants to undergo an examination to be a journeyman sheet
141 metal worker, pursuant to section 36, and the applicant shall demonstrate by the applicant that he or
142 she has participated in a registered apprenticeship program for at least 5 years prior to the filing of the
143 application, and the applicant shall provide to the board an affidavit or affidavits of his or her former
144 employers or the director of the registered apprenticeship program, or other reasonably satisfactory
145 evidence showing that the applicant has satisfactorily completed the apprenticeship training program,
146 or the application is accompanied by an affidavit or other reasonably satisfactory evidence showing
147 that the applicant possesses a certificate of license issued under the laws of another state specifying
148 such person as a journeyman, and meet any other requirements that the board may adopt.

149 Applicants must have their applications filed with the board of examiners at least 15 days prior to the
150 examination date. Upon passage of the journeyman sheet metal worker's test, the payment of a
151 license fee, and satisfying the rules and regulations for licensure by the board, the journeyman sheet
152 metal worker's license shall be issued by the board.

153 Section 4C. The board shall establish rules and regulation for applicants to undergo an examination to
154 be a sheet metal contractor, pursuant to section 36, and the applicant must be a licensed journeyman
155 sheet metal work licensed for not less than 3 years. Applicants must file an application with the board
156 at least 15 days prior to the examination date. Upon passing the sheet metal contractor's test, the
157 payment of a license fee and satisfying the rules and regulations to be licensed by the board, the
158 contractor license shall be issued by the board.

159 Section 4D. The board shall establish rules, regulations and licensure for a registered sheet metal
160 worker apprentice program. The board shall maintain a record of active license sheet metal work
161 apprentice programs. The board shall establish fines and penalties should a sheet metal worker
162 apprentice program licensee violate the said rules and regulations; provided further, that the board may
163 suspend or revoke a journeyman sheet metal worker's license for the willful abuse or misuse of the
164 sheet metal worker apprentice program.

165 Section 4E. Upon payment to the board of a fee and the submission of a written application provided
166 by said board, the board shall issue a journeyman sheet metal workers license or a sheet metal
167 contractor to a person who holds a valid license or registration issued by another jurisdiction which
168 has standards substantially equivalent to or exceeding the standards of the commonwealth, as
169 determined by said board.

170 SECTION 6. Section 5 of chapter 142 of the General Laws is hereby amended in line 4 by inserting
171 after the words “or gas installer” the following words “; journeyperson sheet metal worker or sheet
172 metal contractor”.

173 SECTION 7. Section 7 of chapter 142 of the General Laws is hereby amended in 4 by striking out the
174 words “plumbing and gas fitting” and inserting in place thereof the following words “plumbing, gas
175 fitting and sheet metal working”.

176 SECTION 8. Section 16 of chapter 142 of the General Laws is hereby amended in line 5 after the
177 words “liquefied petroleum gas installer” the following words “or as a journeyperson sheet metal
178 worker or as a sheet metal contractor or as an apprentice sheet metal worker”.

179 SECTION 9. Section 21 of chapter 142 of the General Laws is hereby amended in 2 by striking out the
180 words “plumbing and gas fitting” and inserting in place thereof the following “plumbing, gas fitting
181 and sheet metal”.

182 SECTION 10. Section 21A of chapter 142 of the General Laws is hereby amended in 2 by striking out
183 the words “no licensed plumber or gas fitter” and inserting place thereof the following “no licensed
184 plumber, gas fitter, sheet metal worker, or sheet metal contractor”.

185 SECTION 11. Section 12A of chapter 142 of the General Laws is hereby amended in line 4 by striking
186 out the words “plumbing and gas fitting” and inserting place thereof the following words “plumbing,
187 gas fitting, and sheet metal working”.

188 SECTION 12. Notwithstanding the provisions of section 36 of chapter 13 of the General Laws to the
189 contrary, for a period of one year after the effective date of said section the initial journeyperson sheet
190 metal worker to the board of registration of home inspectors shall not be required, at the time of their
191 initial appointment, to be licensed to practice journeyperson sheet metal work pursuant to the
192 provisions sections 3, 4B, and 4C of chapter 142 of the General Laws, if they are of good moral

193 character, have been engaged in the practice of journeyperson sheet metal working for compensation
194 for not less than 10 years prior to the effective date of this section.

195 SECTION 13. Notwithstanding any general or special law to the contrary, the board of state examiners
196 of plumbers, gas fitters, and sheet metal workers may issue a journeyperson sheet metal worker or
197 sheet metal contractor without examination to an applicant who meets the requirements of sections 3,
198 4B and 4C chapter 142 of the General Laws and provides to the board's satisfaction that he is and
199 actually has been in the paid professional practice for 5 years out of the last 10 years in the field of
200 sheet metal work, preceding the effective date of this act. The board in its discretion may waive the
201 education requirements for an applicant if it determines that an applicant's combined professional and
202 education credentials meet the intent of this act. The provisions of this section shall expire one year
203 following the effective date of this act.