

# HOUSE . . . . . No. 831

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By Mr. Rourke of Lowell, petition of Raymond F. Rourke for legislation to establish a board of registration of roofers, sidewall installers and home improvement contractors. State Administration.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Sixty-One.

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AN ACT ESTABLISHING A BOARD OF REGISTRATION OF ROOFERS, SIDEWALL INSTALLERS AND HOME IMPROVEMENT CONTRACTORS, AND REQUIRING THEM TO BE LICENSED.

*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 13 of the General Laws is hereby  
2 amended by inserting after section 60, under the caption BOARD  
3 OF REGISTRATION OF ROOFERS, SIDEWALL INSTALLERS AND  
4 HOME IMPROVEMENT CONTRACTORS, the following four sections: —  
5 *Section 61.* There shall be a board of registration of roofers,  
6 sidewall installers and home improvement contractors in this  
7 section and in sections sixty-two to sixty-four, inclusive, called  
8 the board, to be appointed by the governor, with the advice and  
9 consent of the council, consisting of three members, citizens of  
10 the commonwealth, two of whom shall have actively been en-  
11 gaged in the roofing or sidewall installing or home improvement  
12 contracting business for at least seven years prior to their ap-  
13 pointment, and one of whom shall be a representative of the  
14 public. The governor shall designate the chairman. As the  
15 term of office of a member of the board expires, his successor  
16 shall be appointed by the governor, with like advice and con-  
17 sent, to serve for three years. Each member shall be eligible  
18 for reappointment and shall serve until the qualification of his  
19 successor. The governor may also, with like advice and con-  
20 sent, fill any vacancy in the board for the unexpired portion  
21 of the term.

22 *Section 62.* The board shall hold at least four regular meet-  
23 ings each year and may hold special meetings as required. Time,  
24 place and notice of all meetings shall be as required by rules or  
25 by-laws made by the board. A quorum shall consist of two mem-  
26 bers. In case of vacancy in the office or absence of the chairman  
27 the senior member shall perform the duties of the chairman. A  
28 written record which shall be open to public inspection shall be  
29 kept of all meetings and of the business transacted thereat.

30 *Section 63.* The board may make such rules or by-laws, not  
31 inconsistent with law, as it may deem necessary in the perform-  
32 ance of its duties. The board shall have a seal. The board shall  
33 annually render to the governor and the general court a report  
34 of its proceedings, which shall include an itemized statement of  
35 all receipts and expenses of the board for the year.

36 *Section 64.* Each member of the board shall serve without  
37 compensation, but shall be paid by the commonwealth the ex-  
38 penses necessarily incurred by him in the discharge of his official  
39 duties. The board may, subject to chapter thirty-one, employ  
40 a secretary and such other clerical and technical assistants as  
41 may be necessary to discharge its official duties, shall establish  
42 their duties, and, subject to the provisions of sections forty-five  
43 to fifty, inclusive, of chapter thirty, shall fix their compensation  
44 which shall be paid by the commonwealth. The commonwealth  
45 shall provide the board with adequate office space and shall pay  
46 the expenses of the board incurred in the performance of its  
47 duties.

1 SECTION 2. Chapter 112 of the General Laws is hereby  
2 amended by inserting after section 88 the following eight sec-  
3 tions:—

4 *Section 89.* For the purposes of sections eighty-nine to ninety-  
5 six, inclusive, the following words shall, unless the context other-  
6 wise requires, have the following meanings:—

7 “Board”, the board of registration of roofers, sidewall  
8 installers, and home improvement contractors.

9 “Roofer”, a person engaged in the building or repairing or  
10 altering of the roof of any building, public or private, as the  
11 owner, in whole or in part, of a business commonly known as  
12 “roofing”.

13 “Sidewall installer”, a person engaged in the building, re-  
14 pairing or altering of walls and roofs by applying shingles,

15 asphalt, clapboards or other materials, whether such person is  
16 the owner, in whole or in part, of a business commonly known  
17 as "sidewall installing".

18 "Home improvement contractor", a person engaged in the  
19 trade or business of making general improvements on buildings,  
20 public or private, which may include roofers, sidewall installers,  
21 electricians, plumbers, and other home building trades, as the  
22 owner, in whole or in part, of a business commonly known  
23 as home improvement contracting; provided, however, that  
24 "home improvement contractor" shall not include those trades-  
25 men who are required by law to be properly registered or licensed  
26 and who in fact have complied with the law.

27 *Section 90.* No person shall engage in the trade or business  
28 of a roofer, sidewall installer or home improvement contractor  
29 unless he is duly licensed by the board. Whoever violates any  
30 provision of this section shall be punished by a fine of one hun-  
31 dred dollars.

32 *Section 91.* Any person desiring to engage in the trade or  
33 business of a roofer, sidewall installer or home improvement  
34 contractor, shall make application upon a form furnished by  
35 the board, which application shall be signed and sworn to by  
36 the applicant. Each application shall be accompanied by a fee  
37 of ten dollars. The board may require every applicant to sub-  
38 mit satisfactory proof that he is of good moral character. Such  
39 license, when granted, shall be valid for a period of one year  
40 from the date of issue, and may be renewed for a like period  
41 upon application therefor on blank forms to be furnished by  
42 the board. The fee for each such renewal shall be twenty  
43 dollars.

44 *Section 92.* Every licensed roofer, sidewall installer or home  
45 improvement contractor, shall exhibit his license, upon request,  
46 to any police officer of any city or town in the commonwealth.  
47 Refusal to comply with this request shall be grounds for revo-  
48 cation of the license by the board.

49 *Section 93.* The board may suspend or revoke any license  
50 issued by it after due public hearing upon finding the holder  
51 of such license to be guilty of a crime involving moral turpi-  
52 tude, or for misrepresentation or fraud in the conduct of his  
53 trade or business, or for false advertising or for fraud or mis-  
54 representation in obtaining a license. Any roofer, sidewall in-  
55 staller or home improvement contractor whose license has been

56 suspended or revoked may apply to the board to have the same  
57 reissued, and the license shall be reissued upon a satisfactory  
58 showing to the board that the cause for dissatisfaction has  
59 ceased.

60 *Section 94.* The board may make and shall publish neces-  
61 sary rules and regulations for the proper discharge of its duties  
62 and the enforcement of sections eighty-nine to ninety-six in-  
63 clusive.

64 *Section 95.* Whoever violates any provision of sections ninety  
65 to ninety-four, inclusive, for which a penalty is not otherwise  
66 prescribed, or any rule or regulation of the board, shall be pun-  
67 ished by a fine of not more than twenty dollars.

68 *Section 96.* Any licensed roofer, sidewall installer or home  
69 improvement contractor aggrieved by any decision or ruling of  
70 said board may, within thirty days after receiving in writing  
71 notice of such decision or ruling, appeal therefrom to the su-  
72 perior court for the county in which he resides, by filing in the  
73 office of the clerk of said court his reasons for appeal, and within  
74 seven days thereafter filing a copy thereof with the chairman of  
75 said board. The court shall as promptly as may be, after such  
76 notice as it may direct, hear and determine said appeal. The  
77 decision of said court shall be final.

1 SECTION 3. Of the initial three members of the board of  
2 registration of roofers, sidewall installers and home improve-  
3 ment contractors, established by section sixty-one of chapter  
4 thirteen of the General Laws, inserted by section one of this  
5 act, the governor, with the advice and consent of the council,  
6 shall forthwith appoint one member for a term of three years,  
7 one member for a term of two years, and the third member for  
8 a term of one year. Upon the expiration of their respective  
9 terms their successors shall be appointed as provided in section  
10 sixty-one of said chapter thirteen.