

HOUSE No. 3311

By Representative Garry of Dracut and Senator Tarr, joint petition of Colleen M. Garry and others relative to the licensing and supervision of persons installing certain electrical systems. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

PETITION OF:

Colleen M. Garry	Steven A. Baddour
Bruce E. Tarr	Gale D. Candaras
Bradford Hill	Carl M. Sciortino, Jr.

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO A 21ST CENTURY SYSTEMS LICENSE.

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 32 of Chapter 13 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 striking out the section in its entirety and inserting in place thereof
4 the following new section:—
5 State board of electrical and systems examiners; membership;
6 appointment; term; executive director; compensation and expenses.
7 There shall be a board of electrical and systems examiners, here-
8 inafter called the board, which shall consist of the state fire marshal,
9 the associate commissioner for the division of occupational educa-
10 tion in the department of education, ex officiiis, the commissioner of
11 public safety or his designee, and 9 persons to be appointed for
12 terms of 3 years by the governor who shall serve no more than two
13 terms. One of said appointees shall be a representative of the public,
14 subject to the provisions of section nine B of this chapter, and one
15 shall be a local wiring inspector who is an electrician licensed under
16 chapter one hundred forty-one. Eight of said appointees shall be citi-
17 zens of the Commonwealth:— one of whom shall be a master elec-
18 trician who holds a certificate A license issued under said chapter

19 one hundred forty-one and has at least ten years experience as an
20 employing master electrician; one shall be a master electrician who
21 holds certificate A and certificate B licenses issued under chapter
22 one hundred forty-one, and has at least ten years experience as a
23 master electrical contractor; one shall be a journeyman electrician
24 who holds a certificate B license issued under said chapter one hun-
25 dred forty-one, is a wage earner and has at least ten years practical
26 experience in the installation of wires and appliances for carrying
27 electricity for light, heat, and power purposes; one shall be a systems
28 contractor who holds a certificate C license issued under said chapter
29 one hundred forty-one, is actively engaged in the business of inher-
30 ently power limited systems as his principal business and has at least
31 10 years as an employing systems contractor; one shall be a systems
32 technician who holds a certificate D license issued under said
33 chapter one hundred forty-one, is a wage earner and has at least ten
34 years practical experience in the installation, repair and maintenance
35 of systems; one shall be a systems contractor who holds a certificate
36 C/r license issued under said chapter one hundred forty-one, is
37 actively engaged in the business of inherently power limited systems
38 and has at least ten years as an employing systems contractor; one
39 shall be a systems technician who holds a certificate D/r license
40 issued under said chapter one hundred forty-one, is a wage earner
41 and has at least ten years practical experience in the installation,
42 repair and maintenance of systems for ten years prior to appoint-
43 ment; one shall be a non-voting member of the board who does not
44 hold a license issued under said chapter one hundred forty-one, but
45 is a representative of the New England Section of the International
46 Municipal Signal Association who holds at least a level I compe-
47 tency certificate from said association, is a municipal employee and
48 has at least ten years practical experience in the installation, repair,
49 maintenance of fire warning or signaling systems. The state fire mar-
50 shal shall be chairman. The board shall maintain an education sub-
51 committee comprised of four board members, two representing the
52 electrical and two representing the systems industry, and the asso-
53 ciate commissioner for the division of occupational education
54 member which shall meet regularly and shall at each monthly
55 meeting of the board, submit a written report. The minutes of any
56 board meeting shall incorporate by reference any written report sub-
57 mitted by the education subcommittee. Industry professionals with

58 relevant specialized experience, including representatives from
59 industry trade associations, may participate in subcommittee meet-
60 ings as appropriate. The board shall appoint an executive director
61 who shall be a wage earner, a citizen of the Commonwealth and a
62 current holder of a certificate A with a minimum of 10 years experi-
63 ence engaging in the business of electrical installations. The board
64 may also appoint, subject to chapter thirty-one, such other clerical
65 and technical assistants as may be necessary to discharge its duties
66 under chapter one hundred forty-one and shall establish their respon-
67 sibilities. The members, ex officio, shall receive no compensation
68 for their services under chapter one hundred forty-one, but the
69 appointive members shall each receive for their services thereunder
70 a salary of seven hundred fifty dollars. The board may expend for
71 the salaries of the appointive members and of the director and other
72 employees and for necessary traveling and other expenses for them-
73 selves and their employees such sums as are annually appropriated
74 therefor.

1 SECTION 2. Said Chapter 13, as so appearing, is hereby further
2 amended in Section 32A, by striking the title and inserting the
3 following new title:—

4 State Board of Electrical and Systems Examiners Appeals; cre-
5 ation; membership; rules and regulations; meetings; private interest;
6 clerical personnel. Said Section 32A is hereby further amended by
7 striking the word “electricians” in line 1, and inserting in place
8 thereof the following words:— electrical and systems examiners.
9 Said section is hereby further amended by striking the words “state
10 examiners of electricians” in lines 2, 3 and 17 and inserting the
11 following words:— board of electrical and systems examiners. Said
12 section is hereby further amended by inserting after the word
13 “board” in line 3, the following words: — of appeals.

1 SECTION 3. Section 50 of Chapter 30 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 striking the words, “state examiners of electricians” in line 9, and
4 replacing it with the following:— board of electrical and systems
5 examiners.

1 SECTION 4. Section 3P of Chapter 143 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 striking the word “electricians” in the title and lines 5, 18 and 19,
4 and replacing it with the following words:— electrical and systems
5 examiners.

1 SECTION 5. Said Chapter 143, as so appearing, is hereby further
2 amended in Section 3L, by striking the fourth and fifth paragraph
3 and inserting the following:—

4 No person or business entity shall install any electrical wiring or
5 equipment subject to this section without first or within five working
6 days of commencing work and making application, including pay-
7 ment of any fee established therefor, for an electrical permit from the
8 city or town in which the electrical installation is to be performed.
9 Said permit application shall be made only by an licensed electri-
10 cian, systems contractor or an agent thereof; shall be on a form pre-
11 pared by the board that shall require documentation of the public
12 safety license number as proof of compliance with Sections 57 to 61
13 of chapter one hundred forty-seven and; which shall be accepted
14 without additions or modifications by all cities and towns in the
15 Commonwealth, and shall be transmitted by any of the following
16 methods:— electronically if acceptable to the city or town; by mail;
17 or in person; to the inspector of wires appointed pursuant to the pro-
18 visions of Section thirty-two of chapter one hundred sixty-six, or an
19 agent thereof. A permit application so transmitted shall be consid-
20 ered to have been validly submitted, and shall not be denied for any
21 reason other than an incomplete application, the lack of the appro-
22 priate fee, or if otherwise provided by law. Any person or business
23 entity failing to make such application shall be punished by a fine
24 not exceeding five hundred dollars. This section shall be enforced by
25 the inspector of wires within his jurisdiction and the state board of
26 electrical and systems examiners.

27 Any person or business entity installing electrical wiring subject
28 to this section shall notify the inspector of wires upon the comple-
29 tion of the work. Within time limits established by the board, in
30 written regulation, the inspector of wires shall inspect such work and
31 thereupon give notice of his approval or disapproval of said work,
32 which may be oral or in writing. A notice of disapproval shall con-
33 tain specifications of the part of the work disapproved, together with

34 a reference to the rule or regulation of the board of fire prevention
35 regulations that has been violated or notice of lack of compliance
36 with Sections 57 to 61 of chapter one hundred forty-seven. Any
37 notice of disapproval shall be made in writing within 5 working days
38 upon receiving the request of the person installing the work, and the
39 time of service of said written notice shall be recorded in the office
40 of the inspector of wires. Said board of fire prevention regulations
41 shall expend a sum not exceeding two thousand dollars for purposes
42 of instruction and dissemination of new and useful knowledge
43 including, but not limited to, uniform requirements of safety in rela-
44 tion to life, fire and explosion among and for the benefit of inspec-
45 tors of wires, appointed in accordance with Section 32 of Chapter
46 166.

1 SECTION 6. Section 1 of Chapter 141 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 inserting before the definition of “Fee” the following definition:—

4 “Apprentice”, a person at least 16 years of age and registered with
5 the state board of electrical and system examiners working under the
6 direct personal supervision of either a licensed journeyman electri-
7 cian or licensed systems technician performing work for which a
8 journeyman license or systems technician license is required.

1 SECTION 7. Said Section 1 of Chapter 141, as so appearing, is
2 hereby amended by inserting before the definition of “Fee” the
3 following definition:—

4 “Data Transmission,” the movement of digitized information
5 between local or distant points with or without connecting wires.

1 SECTION 8. Said Section 1 of Chapter 141, as so appearing, is
2 hereby amended by striking in its entirety the definition of “Inher-
3 ently power limited system” and replacing it with the following defi-
4 nition:—

5 “Inherently power limited system” a system of wires, conduits,
6 apparatus, devices, fixtures or other appliances installed and inter-
7 connected requiring no overcurrent protection due to design or con-
8 struction which conducts or consumes electricity and is electrically
9 or electronically activated.

1 SECTION 9. Said Section 1 of Chapter 141, as so appearing, is
2 hereby amended by striking the words “fire warning or security
3 system purposes” in lines 14, 15, and 20 and inserting the
4 following:— fire warning, security, telecommunications or any
5 system purposes

1 SECTION 10. Said Section 1 of Chapter 141, as so appearing, is
2 hereby amended by striking the word “and” in line 27 and inserting
3 in place thereof the following:— ,
4 Said section is hereby further amended by inserting after the word
5 “of” in line 29, the following: — intelligence, such as

1 SECTION 11. Said Section 1 of Chapter 141, as so appearing, is
2 hereby amended by inserting before the definition of “System” the
3 following definition:—
4 “Sound Transmission,” the movement of audible information,
5 including but not limited to music or speech, between local or dis-
6 tant points and generally for broadcast or disbursement over a
7 defined area with or without connecting wires.

1 SECTION 12. Said Section 1 of Chapter 141, as so appearing, is
2 hereby amended by inserting before the definition of “System” the
3 following definition:—
4 “Standalone Appliance,” equipment that utilizes electric energy
5 for mechanical, chemical, heating, lighting, or similar purposes that
6 is normally built in standardized sizes or types, that is installed or
7 connected as a unit to perform one or more functions and that is
8 capable of being operated without exposing the operator to contact
9 with electrical signals, conductors, buses, terminals or components
10 that are un-insulated, exposed or where a shock hazard exists.

1 SECTION 13. Said Section 1 of Chapter 141, as so appearing, is
2 hereby amended by striking the definition of “System” in its entirety
3 and inserting the following:—
4 “System” a fire warning, security, telecommunications or any
5 inherently power limited system, conductor, cable, raceway, appa-
6 ratus, device, fixture, component or other appliance that is not a
7 standalone appliance and is connected to a source of electricity or
8 that is controlled through the use of electrical signals, including

9 optical fiber cables and that is interconnected electrically, electroni-
10 cally, photo-electronically or by wireless technology for the control,
11 integration or transmission of intelligence, signs, signals, writings,
12 images, sound, telephony, data, video or information by electricity or
13 any nature including by wire, radio, visual, optical or electromag-
14 netic means.

1 SECTION 14. Section 1 of Chapter 141 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by adding
3 at the end thereof the following definition:—

4 “Telecommunications System,” an inherently power limited
5 system that is not a standalone appliance and is permanently con-
6 nected to a source of electricity or that is permanently controlled
7 through the use of electrical signals, including optical fiber cables
8 and that is interconnected electrically, electronically, or photo-elec-
9 tronically or by wireless technology for the transmission of intelli-
10 gence by electricity, including sound, telephony, video, and data
11 transmission.

1 SECTION 15. Section 1 of Chapter 141 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by adding
3 at the end thereof the following definition:—

4 “Telephony,” the movement of sounds and especially speech
5 between local or distant points with or without connecting wires.

1 SECTION 16. Section 1 of Chapter 141 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by adding
3 at the end thereof the following definition:—

4 “Video Transmission,” the movement of images between local or
5 distant points with or without connecting wires.

1 SECTION 17. Section 1A of said Chapter 141, as so appearing, is
2 hereby struck and is replaced with the following new section:—

3 Licensure requirement; exceptions; restrictive endorsements

4 Section 1A. (a) No person, firm or corporation shall enter into,
5 engage in, or work at the business or occupation of installing wires,
6 conduits, apparatus, devices, fixtures, or other appliances for car-
7 rying or using electricity for light, heat, power, fire warning, secu-
8 rity, telecommunications or any system purposes as defined in this

9 chapter, unless such person, firm or corporation shall be licensed by
10 the board of electrical and systems examiners in accordance with
11 this chapter and, with respect to security systems, no person or busi-
12 ness, or officer, employee, representative or member thereof shall
13 perform this work unless licensed under this chapter and any such
14 person or business, including all employees or representatives
15 thereof, shall also be licensed by the commissioner of public safety
16 to the extent required by the provisions of Sections fifty-seven to
17 sixty-one, inclusive, of chapter one hundred forty-seven.

18 (b) Except for the requirements in Section 3A, this chapter shall
19 not apply to an apprentice employed by a person, firm, or corpora-
20 tion, licensed in accordance with this chapter. This chapter shall not
21 apply to a person not engaged in the business described in this
22 section who employs or contracts for the services of a person, firm
23 or corporation engaged in such business or to an agent, employee or
24 assistant of a person, firm or corporation licensed in accordance with
25 this chapter who does not engage in or perform the actual work
26 described in this section.

27 (c) Not less than one year nor more than two years after the effec-
28 tive date of this act, the board shall, at its discretion, without exami-
29 nation and upon payment of the fees herein required, issue, through
30 the division of professional licensure, a restrictive endorsement
31 license, “C/r” or “D/r”, to any applicant who shall present satisfac-
32 tory evidence that he is qualified for telecommunications and any
33 other system work for the type of license sought; provided the appli-
34 cant shall be subject to the penalties and superior court proceedings
35 set forth in Section 5 of this chapter for any misstatements as to his
36 experience or other qualifications in the application. A holder of a
37 C/r certificate shall not engage in the business of installing, repairing
38 or maintaining fire warning or security systems and the holder of a
39 D/r certificate shall not engage in the work of installing, repairing or
40 maintaining fire warning or security systems. Any person, firm or
41 corporation shall be liable for prosecution by the board for engaging
42 in the business of fire warning or security systems or for installing,
43 repairing, maintaining, altering or servicing fire warning or security
44 systems, for which a license is required under this chapter. The
45 requirements and procedure for the issuance of such restrictive
46 endorsement licenses shall be determined by the Board and shall be
47 set forth in written regulation. No restrictive endorsement license

48 shall be granted without the sanction of the board. Said restrictive
49 endorsement licenses shall be renewable by the holder consistent
50 with subsections (7) and (8) of Section 3 of this chapter; provided
51 however, that said holder shall have a process for removing the
52 restrictive endorsement from the certificate that includes, but is not
53 limited to the following:—

54 (1) A holder of a D/r certificate shall voluntarily tender said cer-
55 tificate to the board in exchange for a D certificate upon demon-
56 strating proof of 300 hours of classroom training in electronic
57 systems with a minimum of 25 hours in security, fire warning, intru-
58 sion, surveillance video, and access control; one continuing educa-
59 tion 15 hour course in Massachusetts laws, codes and regulations
60 specific to fire and security; 4000 hours of on the job field experi-
61 ence working in the field of installation, repair and maintenance of
62 electronic systems including telephony, data communications, sound
63 or video, of which 1000 hours or 6 months, consists of on-the-job
64 supervised apprenticeship training working on fire warning and
65 security systems with a licensee authorized to install fire and secu-
66 rity; and a current license by the commissioner of public safety in
67 accordance with the provisions of Sections 57 to 61, inclusive, of
68 Chapter 147.

69 (2) A holder of a C/r certificate shall voluntarily tender said cer-
70 tificate to the board in exchange for a C certificate upon demon-
71 strating proof he is a holder of a valid D certificate; has engaged in
72 the business of installing, repairing or maintaining inherently power
73 limited systems, including telephony, data communications, sound or
74 video or any systems, excluding fire warning or security, for a min-
75 imum of one year; a current license by the commissioner of public
76 safety in accordance with the provisions of Sections 57 to 61, inclu-
77 sive, of Chapter 147; and 75 hours in business related courses or
78 proof of equivalent knowledge base for contractors in the relevant
79 Massachusetts laws, codes and regulations.

80 (d) Any person qualified to obtain a certificate C/r or D/r under
81 this section who is prevented from making application therefor by
82 reason of service in the armed forces of the United States shall have
83 six months after discharge or release from active duty to make such
84 application.

85 (e) After such date as the department of telecommunications and
86 energy no longer regulates a telephone company, a corporate affiliate

87 of such telephone company, or a service provided by such company
88 or corporate affiliate, the board shall issue an appropriate certificate,
89 as provided in this section, to any person who is an employee of
90 such telephone company or such corporate affiliate on such date
91 who, as a result of such deregulation, becomes subject to the provi-
92 sions of this chapter. The board shall issue an appropriate certificate,
93 as provided in this section, to any employee who, not more than 6
94 months after his separation from a company that utilizes a formal
95 examination and rating process and is therefore exempt from licen-
96 sure under Section 7 of this chapter, applies for any such license in
97 accordance with this section. Any such employee shall not be
98 required to pass any examination in order to qualify for any such
99 license but shall thereafter be subject to all laws, rules and regula-
100 tions of the board applicable to such licensure.

1 SECTION 18. Section 2 of Chapter 141 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 striking out, in line 1, the words “state examiners of electricians”
4 and inserting in place thereof the following:— board of electrical
5 and systems examiners.

1 SECTION 19. Section 2B of Chapter 141 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 striking the section title and inserting the following new section
4 title:—
5 Electricians, Contractors and technicians licensed in other states;
6 reciprocal licensure without examination; fees.
7 Said section is hereby further amended by striking out, in line 4,
8 the words “for electricians” and inserting in line 5, after the word
9 “section”, the following words:— for a systems contractor, a sys-
10 tems technician or

1 SECTION 20. Section 3 of said Chapter 141, as so appearing, is
2 hereby amended by striking out, each time it appears, the words
3 “state examiners of electricians” and inserting in place thereof the
4 following:— board of electrical and systems examiners.

1 SECTION 21. Said Section 3 is hereby further amended by
2 striking subsection (3) and inserting the following new subsec-
3 tion:—

4 (3) Certificate C shall be issued to any person, firm or corporation
5 engaged in or about to engage in the business of installing, repairing,
6 or maintaining inherently power limited systems; provided, however,
7 that such person or a member of such firm or an officer of such cor-
8 poration has passed an examination before the board of electrical
9 and systems examiners and such person or a member of such firm or
10 officer of such corporation has held a certificate D license for at least
11 twelve months.

1 SECTION 22. Said Chapter 141 is hereby further amended by
2 inserting after Section 3 the following new section:—

3 Section 3A. Apprentices; registration.

4 Any person working as an apprentice to a licensed journeyman
5 electrician or licensed systems technician who meets the require-
6 ments established by the board of electrical and systems examiners
7 shall be registered as an apprentice with the board in accordance
8 with this chapter; provided, however, that students enrolled at voca-
9 tional training schools within the Commonwealth who are working
10 under the direct supervision of such school's vocational education
11 teachers shall be exempt from registration during their term of
12 enrollment; and provided further, that students who are working on
13 security systems shall be licensed by the commissioner of public
14 safety in accordance with the provisions of sections fifty-seven to
15 sixty-one, inclusive, of chapter one hundred and forty-seven.

16 The board of electrical and systems examiners shall issue the
17 following certificates: — certificate JA for apprentice electricians
18 and certificate SA for systems apprentice technicians. The fee for
19 such certificate shall be determined by the secretary of administra-
20 tion, pursuant to Section 3B of Chapter 7, in consultation with the
21 board of electrical and systems examiners. Certificates JA and SA
22 shall expire on January 1 of the third year after their issuance, but
23 said certificates may be renewed by the holder upon application and
24 payment of a fee as determined by the secretary of administration,
25 pursuant to Section 3B of Chapter 7, in consultation with the board
26 of electrical and systems examiners. In the case of failure to renew a
27 certificate before its expiration, the holder, in accordance with the

28 rules and regulations of the board and upon payment of the renewal
29 fee increased by any additional fees that would have been payable
30 had such certificate been continuously renewed, may receive a
31 deferred renewal thereof. Such renewed certificate shall not consti-
32 tute its holder registered for any period preceding its issuance. A
33 holder of a certificate A, certificate C or an employer of persons
34 holding a certificate B, certificate D or certificate D/r pursuant to
35 Section 1A of this chapter, shall maintain written records of the
36 duration of work performed by an apprentice registered in accord-
37 dance with this section.

1 SECTION 23. Section 7 of said Chapter 141 as so appearing is
2 hereby further amended in line 22 after the word “premises;” by
3 inserting the following words:— or persons installing or repairing a
4 telecommunications system in a motor vehicle, as defined in Section
5 one of chapter ninety, or by employees of class 1 or class 2 licensees
6 as defined under Section fifty-eight of chapter one hundred forty;

1 SECTION 24. Transitional Provisions.

2 Within four months of the effective date of this act, the Governor
3 shall appoint board members to the positions described under
4 Section 32 of Chapter 13, as amended herein, who are actively
5 engaged, have at least ten years experience and shall qualify for
6 licensure under the amended Chapter 141. Within a period of not
7 more than one year after the effective date of this act, the new board
8 of electrical and systems examiners shall with the counsel of an
9 advisory committee, adopt regulations consistent with a graduated
10 model of education and training consistent with the restricted
11 endorsement provisions of Section 1A of Chapter 141 as amended
12 herein. Said advisory committee shall consist of one representative
13 from each of the following associations or organizations:—

14 IBEW local 2222, IBEW local 103, Massachusetts Electrical
15 Contractors Association, Massachusetts Systems Contractors Asso-
16 ciation, CEDIA and the National Systems Contractors Association.

1 SECTION 25. Section 57 of Chapter 147 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 striking the word “and” in line 5 and inserting in place thereof the
4 following:— ,

1 SECTION 26. Said Section 57 is hereby further amended by
2 inserting after the word “of” in line 6, the following:— intelligence,
3 such as

1 SECTION 27. Said Section 57 is hereby further amended in line 9
2 after the word “business” by inserting the following words:— or in
3 the work.