

SENATE NO. 204

AN ACT RELATIVE TO THE LICENSING OF TELECOMMUNICATIONS PROFESSIONALS

*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 appearing in the 1998 Official
2 edition, is hereby amended by striking out the first sentence and inserting in place thereof the
3 following sentence:-- There shall be a board of electrical, systems and telecommunication
4 examiners hereinafter called the board, which shall consist of the state fire marshal, the
5 associate commissioner for the division of occupational education in the department of
6 education, ex officiiis, and 10 persons to be appointed for terms of three years by the governor.

7 SECTION 2. Said section 32 of said chapter 13, as so appearing, is hereby further amended by
8 striking out in line 8, the word "six" and inserting in place thereof the following:--eight.

9 SECTION 3. Said section 32 of said chapter 13, as so appearing, is hereby further amended by
10 striking out in line 26, the word "and" and inserting in place thereof the following:-- two shall
11 be telecommunications systems professionals who shall be licensed under the provisions of
12 chapter 141A and have been actively engaged in either the design, installation, alteration,

13 service, or the testing of telecommunications systems, as defined by said chapter 141A, for at
14 least 10 years prior to appointment; and.

15 SECTION 4. Section 32A of said chapter 13, as so appearing, is hereby amended by striking
16 out the first two sentences and inserting in place thereof the following two sentences:-- There
17 shall be a board of electricians, systems and telecommunications professionals, appeals, whose
18 membership shall consist of the members of the state electrical, systems and
19 telecommunications examiners. The chairman of the state electrical, systems and
20 telecommunications examiners shall be the chairman of said board.

21 SECTION 5. Said section 32A of said chapter 13, as so appearing, is hereby further amended
22 by striking out the last paragraph and inserting in place thereof the following paragraph:-- The
23 board of electrical, systems and telecommunications examiners shall assign such clerical,
24 technical and other assistance as may be required by the board of electricians, systems and
25 telecommunications professions, appeals.

26 SECTION 6. Said chapter 13, as so appearing, is hereby further amended by inserting after
27 section 32A, the following section:--
28 Section 32B. There shall be established a policy advisory committee for the sole purpose of
29 advising the board of electrical, systems and telecommunications examiners on pertinent subject
30 matter. The advisory committee shall be composed of nine members: seven of whom shall be
31 telecommunications systems professionals who shall be qualified for licensing under the
32 provisions of chapter 141A; one of whom shall have expertise in “data communications” as
33 defined in chapter 141A; one of whom shall have expertise in “sound” as defined in chapter
34 141A; one of whom shall have expertise in “telephony” as defined in chapter 141A; and one of
35 whom shall have expertise in “video communications” as defined in chapter 141A. Said

36 telecommunications systems professional members shall have been actively engaged in either
37 the design, installation, alteration, service or testing of telecommunications systems, as defined
38 by chapter 141A, for at least 10 consecutive years immediately prior to appointment; one
39 member shall, be at the time of appointment, an electrical inspector currently serving a city or
40 town in this State; and one member of the committee shall be, at the time of appointment, a
41 designated representative of the state fire marshal who is knowledgeable in codes and
42 regulations involving telecommunications. The members shall be residents of the state for at
43 least three consecutive years prior to appointment. The members shall be appointed by the
44 governor from a list of qualified candidates provided by industry representatives. Not more
45 than one member shall be directly employed with or by any single business, firm or corporation.

46 SECTION 7. Section 1 of Chapter 141 of the General Laws, as appearing in 1998 Official
47 Edition, is hereby amended by inserting before the definition of “Fee” the following definition:-
48 “Apprentice”, a person at least sixteen years of age and registered with the state board of
49 electrical, systems and telecommunications examiners working under the direct personal
50 supervision of either a licensed journeyman electrician, licensed systems or telecommunications
51 technician performing work for which a journeyman license, systems technician or
52 telecommunications license is required. In line 16, “Journeyman Electrician”, after the word
53 “security” and before the word “systems”, add the words and telecommunications. In line 21,
54 “Master Electrician”, after the word “security”, and before the word “systems’, the words,
55 telecommunications.

56 SECTION 8: Said Section 1 of said Chapter 141, as so appearing, is hereby further amended by
57 inserting after the word “purposes”, in lines 15 and 20, in each instance, the following words:-,
58 or for the purpose of any other system as defined in this section.

59 SECTION 9. Section 1 of said Chapter 141, as so appearing, is hereby further amended by
60 inserting after the word “systems”, in line 46, the following new definition:-
61 “Telecommunications”, any transmission, emission, or reception of voice, data or audio visual
62 systems.

63 SECTION 10. Section 1A of said Chapter 141, as so appearing, is hereby struck and is further
64 amended by inserting in place thereof the following paragraph:- Section 1A. No person, firm,
65 corporation or entity shall enter into, engage in, or work at the business or occupation of
66 installing wires, conduits, apparatus, devices, fixtures, or other appliances for carrying or using
67 electricity for light, heat, power, fire warning or security or telecommunications purposes, or
68 for the purposes of any other system as defined in this chapter, unless such person, firm,
69 corporation or entity shall be licensed by the state electrical, systems and telecommunications
70 examiners in accordance with this chapter and, with respect to security systems, unless such
71 person, firm, corporation or entity shall also be licensed by the commissioner of public safety in
72 accordance with the provisions of sections 57 to 61, inclusive, of chapter 147.

73 This chapter shall not apply to either an apprentice employed by a person, firm, corporation or
74 entity licensed in accordance with this chapter or to an agent, employee or assistant of a person,
75 firm, corporation or entity licensed in accordance with this chapter who does not engage in or
76 perform the actual work described in this section.

77 SECTION 11. Section 2 of chapter 141 of the General Laws, as appearing in the 1998 Official
78 Edition, is hereby amended by striking out, in line 1, the words “state examiners of electricians”
79 and inserting in place thereof the following:- state electrical, systems and telecommunications
80 examiners.

81 SECTION 12. Section 3 of said chapter 141, as so appearing, is hereby amended by striking out,
82 each time it appears, the words “state examiners of electricians” and inserting in place thereof
83 the following:- state electrical, system and telecommunications examiners.

84 SECTION 13. Said Chapter 141 is hereby further amended by inserting after Section 3 the
85 following section:-

86 Section 3A. Any person working as an apprentice to a licensed journeyman electrician, licensed
87 systems or telecommunications technician who meets the requirements established by the state
88 board of electrical, system and telecommunications examiners shall be registered as an
89 apprentice with the state examiners in accordance with this chapter; provided, however, that
90 students enrolled at vocational training schools within the commonwealth who are working
91 under the direct supervision of such school’s vocational education teachers shall be exempt
92 from registration during this term of enrollment.

93 The state examiners shall issue the following identification cards: identification card JA for
94 apprentice electricians, identification card SA for systems technicians, TA for
95 telecommunications apprentice technician. The fee for such certificate shall be determined by
96 the commissioner of administration pursuant to the provisions of Chapter 357 of the Acts of
97 2002.

98 SECTION 14. Section 5 of said Chapter 141, as appearing in the 1998 Official Edition, is
99 hereby amended by striking out the first paragraph and inserting in place thereof the following
100 paragraph:-

101 Any person, firm, corporation or entity, or employee thereof, and any representative,
102 member or officer of such firm or corporation individually, entering upon or engaging in the
103 business and work hereinbefore defined, without having complied with this chapter, shall for the

104 first offense be punished by a fine of not less than \$100 nor more than \$1,000, and for a
105 subsequent offense by a fine of not less than \$500 nor more than \$2,500 or by imprisonment in
106 the house of correction for six months, or both.

107 SECTION 15. Said Chapter 141 is hereby further amended by striking out Section 7, as so
108 appearing, and inserting in place thereof the following section:-

109 Section 7. This chapter shall not apply to: the installation, repair, and wiring of elevators; the
110 work in connection with the erection, construction, maintenance, or repair of lines for the
111 transmission of electricity from the source of supply to the service switch on the premises when
112 such work is performed by permanent employees of municipal electric plants; and by electric
113 companies as defined in Section 1 of Chapter 164 when installed by permanent employees of
114 electric companies as defined in Section 1 of Chapter 164; by gas companies authorized to make
115 or sell electricity, and installed by permanent employees of gas companies authorized to make
116 or sell electricity, by electric street railway companies, by electric railroad companies by
117 railroad companies when installed by employees of said companies; the work of such plants or
118 companies on premises owned or controlled by them when installed by permanent employees of
119 said companies; the work of said municipal electric plants or of said electric or gas companies
120 in installing, maintaining, and repairing on the premises of customers, service connections and
121 meters, and other apparatus and appliances remaining on the property of such plants or
122 companies after installation when installed by permanent employees of said companies; public
123 employees engaged in the work of installing, maintaining or repairing public signaling systems;
124 the work in connection with the lighting of public ways, alleys, private ways, or public parks,
125 areas or squares, provided such work is performed by persons in the regular employment of
126 municipality; the work of any company subject to regulation by the department of

127 telecommunications and energy, and incorporated for the transmission of intelligence by
128 electricity, or any legally established affiliate thereof or licensed video provider, in the
129 installation, maintenance, or repair of wires, conduits, apparatus, fixtures, or other appliances
130 used by such companies and necessary for their business which are on or off its own premises;
131 or the work in connection with the installation, construction, maintenance, repair, and
132 renovation of cable television service by a person, who is a permanent employee of any firm or
133 corporation which is engaged in telecommunications, the information systems industry or is a
134 licensed video provider, or any legally established affiliate thereof.

135 SECTION 16. The General Laws are hereby amended by inserting after chapter 141, the
136 following chapter:--

137 CHAPTER 141A SUPERVISION OF TELECOMMUNICATIONS PROFESSIONALS

138 Section 1. The following words as used in this chapter shall, unless the context clearly requires
139 otherwise, have the following meanings:

140 “Board”, shall mean the board of electrical, systems and telecommunications examiners.

141 “Systems or Telecommunications Apprentice or Trainees”; a worker 16 years of age who is
142 employed to learn a skilled trade by fulfilling the requirements defined in section 11H of
143 chapter 23. Companies that are regulated by the department of telecommunications and energy
144 and utilize a formal examination and rating process as defined within a collective bargaining
145 agreement, are exempt from the training requirements of section 11H of chapter 23.

146 "Telecommunication systems", any system involved in the sending and/or receiving at a
147 distance of voice, sound, data, and video transmissions. This definition shall also include the
148 placing, installing and altering of any cables or telecommunications equipment on poles, in
149 manholes, vaults, buildings, and in central switching offices.

150 "Telecommunications Contractors", a corporation, firm or person who, by the employment of
151 licensed telecommunications apprentices and/or technicians, performs the work of
152 telecommunications in accordance with the provisions of this chapter.

153 "Telecommunications Technician", a person who, by
154 reason of his or her knowledge of the mathematical and physical sciences, and the principles,
155 functions and fundamentals of the categories of telecommunications defined under provisions
156 of this chapter acquired by professional education and /or practical experience, is qualified to
157 engage in telecommunications work as attested by his or her licensing as a telecommunications
158 technician in this state.

159 "Data Communications", the operation of apparatus for transmission of digitized information
160 between distant points with or without connecting wires.

161 "Telephony", the use or operation of apparatus for transmission of sounds and especially speech
162 between distant points with or without connecting wires.

163 "Video Communications", the use or operation of apparatus for transmission of image(s)
164 between distant points reproduced through electrical or other means with or without connecting
165 wires.

166 "Sound", the use or operation of apparatus for transmission of sounds and especially music
167 and/or speech between distant points with or without connecting wires for broadcast or
168 disbursement over a defined area.

169 "Telecommunication device", an analog or digital electronic device, which processes data,
170 telephony, video or sound transmission as part of a telecommunications system.

171 "Telecommunications", any transmission, emission, or reception of voice, data or audio visual
172 systems.

173 “Design”, the act of creating a document, either manually or electronically, that defines the
174 layout, placement and/or configuration of telecommunications infrastructure components or
175 physical topology(s); trunking or distribution routing(s) and/or their material components;
176 telecommunication outlet locations and/or their material components; telecommunication closet
177 locations and/or their material components for the purpose of defining telecommunications
178 work within this chapter. This definition does not include the recording of changes to a design
179 that reflects field changes made during installation of the telecommunications detailed in the
180 said document.

181 “Residential dwelling”, a dwelling with one or more rooms for the use of one or more persons
182 as a housekeeping unit with space for eating, living and sleeping, and permanent provisions for
183 sanitation.

184 Section 2. A license shall be issued to any person who has passed the examinations and meets
185 all requirements provided for within this chapter for all of the categories of telecommunications
186 described therein. The following forms of license shall be issued, TC and TT as defined within
187 this chapter. Persons who hold a TC or TT license shall upon documented proof, to the board,
188 of competency in fire warning, security or other inherently power limited systems be granted
189 the C or D license.

190 (1) A Telecommunications Contractor, TC, license shall be issued to any person qualified under
191 this chapter representing themselves, individually, or a firm, corporation or entity engaging in or
192 about to engage in, the business of designing, installing, altering, servicing, or testing
193 telecommunications Qualification shall be evidenced by passing the examination(s) for either of
194 the two of telecommunications licenses described herein, and applicants who hold an equivalent
195 out of state license, as determined by this board, issued by another state shall be allowed to take

196 the Massachusetts form TC license examination. Applicants for the TC license who holds no
197 equivalent form of TC license issued in another state must show evidence of three years of
198 verifiable and continuous contracting experience will be allowed to take the Massachusetts form
199 of TC license examination. Applicants who do not meet these qualifications shall have been
200 licensed as a Massachusetts Telecommunications Technician, TT, for a minimum of three years,
201 immediately preceding the date of application, in order to qualify to take the TC examination.

202 (2) A Telecommunications Technician, TT, license shall be issued to any person who has
203 passed the examination as defined within this chapter. The holding of a TT license shall entitle
204 the holder individually to perform the actual work of installing, altering, servicing, or testing of
205 telecommunications for which they have been granted certification. All such work performed
206 shall be under the supervision of the holder of a TC license, except for a sole proprietor with
207 one apprentice

208 Section 3. The provisions of this chapter shall not apply to:

209 (a) The work and equipment employed in connection with the operation of signals, or the
210 transmission of intelligence, and performed by an employee of a municipality, state agency, or
211 where that work and equipment is an integral part of the communication system owned and
212 operated by a municipality, state agency and not in contact with the general public or providing
213 the general public with these services.

214 (b) Companies and the permanent employees of companies who are regulated by the department
215 of telecommunications and energy.

216 This chapter shall not forbid the work of any person who holds a registration as a professional
217 engineer or RCDD in this state in the performance of their normal duties.

218 Section 4. [a] The board shall issue certificates to individuals who have qualified to engage in
219 telecommunications work under the provisions of this chapter. The board may establish such
220 rules and regulation for the issuance and renewal of certificates, as it deems appropriate.

221 [b] The board shall have the power to suspend, revoke or annul certificates in accordance with
222 the provisions of this chapter. In all disciplinary proceedings brought pursuant to this chapter,
223 the board shall have the power to administer oaths, to summon witnesses, and to compel the
224 production of documents in accordance with the procedures applicable in the superior court.
225 Upon failure of any person to appear or produce documents in accordance with the boards'
226 order, the board may apply to a court of any jurisdiction to enforce compliance.

227 [c] The board shall have the power to file legislation to establish such subcategories within the
228 aforementioned licensing forms and categories as may be determined to be required to
229 accommodate significant or substantive changes or improvements in current technologies or to
230 accommodate new developments in technologies affecting telecommunications. Said
231 subcategories shall be specifically limited in purpose and scope.

232 Section 5. (a) Except as provided herein, no individual, firm, corporation or entity shall provide
233 or offer to install, alter, service or test telecommunications in this state or use any title, sign,
234 card or device implying that the individual, firm, corporation or entity is qualified to provide
235 said services unless said individual, firm, corporation or entity is the beneficial holder of a
236 currently valid license issued pursuant to this chapter.

237 (b) Any individual, partnership, corporation or entity which violates subsection (a) of this
238 chapter shall be guilty of a misdemeanor and upon conviction by a court of competent
239 jurisdiction shall be sentenced to pay a fine of not more than \$500 for the first offense, and a
240 fine of not less than \$500 nor more than \$1,000 for each subsequent offense or imprisonment

241 for not more than one year or both.

242 (c) The board shall have the power to institute injunction proceedings in superior court to
243 prevent violations of subsection (a) of the section.

244 Section 6A. No person shall be liable for prosecution for installing, altering, servicing, and/or
245 testing telecommunications for which a license is required under this chapter without a license
246 for the twelve month period following effective date of passage of provisions of this Act.

247 Section 7. (a) Applications for licenses required by the provisions of this chapter shall be filed
248 with the board. If the applicant is an individual the application shall be subscribed and sworn to
249 by such individual. If the applicant is a firm, partnership, corporation or entity, the application
250 shall be subscribed and sworn to by an owner in the case of a firm, and by at least one general
251 partner in the case of a partnership, and by a corporate officer in the case of a corporation. If the
252 applicant is an individual and does not reside, operate a business or is not employed within the
253 state, or if in the event the applicant is a firm, partnership, corporation or entity and no owner or
254 general partner or corporate officer resides or is employed within the state, then the application
255 must also be subscribed and sworn to by an individual having the authority and the
256 responsibility for the management and operations of the business within the state.

257 (b) If the applicant is a corporation, the application shall specify the date and place of its
258 incorporation, the location of the applicant's principal place of business, a list of the principal
259 officers of the corporation, owners of 25 percent or more of outstanding stock of all classes of
260 the corporation, and the business address, residence address and the office or position held by
261 each such officer in the corporation.

262 (c) The application shall include the following information for each individual required
263 subscribing and swearing to it:

264 [1] The individual's full name and address (business and residence);

265 [2] The individual's business and residence telephone number;

266 [3] The individual's date and place of birth;

267 [4] A head and shoulders photograph (passport photo) taken within three months prior to the

268 date of the submission of the application;

269 [5] The name and address of the individual's relevant past and present employment; name,

270 address, and telephone number of supervisor and the length of time engaged therein;

271 [6] Evidence of experience as required by subsection (g) of this section

272 (d) Applicants for TC license shall include the following information concerning the applicant:

273 [1] The name, address and telephone number of the business;

274 [2] A sworn statement as to the length of time that the applicant has been engaged in the

275 telecommunications business.

276 [3] Evidence of experience as required by subsection (g) of this section.

277 (e) The licensing authority may require that the application include any other information which

278 the licensing authority may reasonably deem necessary to determine whether the applicant or

279 individual signing the application meets the requirements of this chapter or to establish the truth

280 of the facts set forth in the application.

281 (f) Any individual signing a license application must be at least 18 years of age.

282 (g) Applicants may submit as evidence of experience the following:

283 [1] Complete forms as approved by the licensing authority with employment verified by the

284 qualified employer and signed under any of the penalties set forth for making false statements as

285 evidence of experience.

286 [2] A valid license issued under the conditions of this chapter by the licensing authority.

287 [3] Documentary evidence of experience while serving with the armed forces of the United
288 States indicating formal training, job classification, job description, length of job assignment
289 and such other evidence as may reasonably be required by the licensing authority in order to
290 determine suitability.

291 [4] Anyone having evidence of experience other than as outlined above may submit such to the
292 board for consideration for approval.

293 Section 8. (a) The board shall establish suitable rules and regulations for the examination and
294 licensing of telecommunications technicians, and businesses and also governing the practice of
295 the professions of telecommunications. This shall not include any prohibition of employment of
296 a properly licensed telecommunication technician, specialists or business.

297 (b) The board shall hold examinations for individuals applying for licensing at least once each
298 year, provided that there are applicants qualified under this chapter.

299 (c) The board shall establish such rules and regulations for the examination of applicants so as
300 to assure the technical competence of the applicant as defined within this chapter as it deems
301 appropriate.

302 Section 9. (a) After effective date of passage of provisions of this Act and at any time prior to
303 the expiration of not less than one year or more than two years at the discretion of the Board
304 following effective date of passage of provisions of this Act, the Board shall, without
305 examination, upon payment of the fees herein require issue through the Division of Professional
306 Licensure, a license "TC", "TT" to any applicant who shall present satisfactory evidence that
307 he/she has the qualifications for the type of license applied for. The requirements and procedure
308 for the issuance of such licenses shall be determined by the Board as Board policy and shall be
309 set forth in written form. Should the Board reject the TT or TC license holders' qualifications

310 for a C or D license that applicant shall retain the right to take the test for said C or D license
311 within a reasonable length of time.

312 (b) Any person qualified to obtain a license TC or TT under this section who is prevented from
313 making application wherefore by reason of service in the armed forces of the United States shall
314 have six months after discharge or release from active duty to make such application.

315 (c) On and after such date as the department of telecommunications and energy no longer
316 regulates a telephone company, a corporate affiliate of such telephone company, or a service
317 provided by such company or corporate affiliate, the board shall issue an appropriate license as
318 provided in this chapter, to any person who is an employee of such telephone company or such
319 corporate affiliate on such date who, as a result of such deregulation, shall become subject to the
320 provisions of this chapter or any employee who after date of separation from a company which
321 utilizes a formal examination and rating process and was exempt from licensure under
322 provisions of section 7 of this chapter and who applies for any such licenses in accordance with
323 the provisions of this chapter not later than six months after such date, provided any such
324 employee shall not be required to pass any examination in order to qualify for any such license
325 but shall thereafter be subject to all laws, rules and regulations of the board applicable to such
326 licensure.

327 Section 10. (a) Application for renewal of a license must be received by the board no less than
328 30 days prior to the expiration date of the license, subject to the right of licensing authority to
329 permit late filing upon good cause shown.

330 (b) The licensing authority may refuse to renew a license for any of the grounds set forth in this
331 chapter and it shall promptly notify the licensee of its intent to refuse to renew the license. The
332 licensee may, within 15 days after receipt of the notice of intent to refuse to renew a license,

333 request a hearing on that refusal in the manner prescribed in this chapter. A licensee shall be
334 permitted to continue to engage in the business permitted by such license while its renewal
335 application is pending.

336 (c) Every certificate shall expire on July 31st with a triennial renewal frequency (3 years). An
337 individual may renew his license by payment of the renewal fee required. An individual who
338 fails to renew his license prior to said date may not thereafter renew his license except upon
339 payment of the renewal fee and the additional fee required by this chapter,

340 Section 11. (a) Upon payment of the fees required by this chapter, an individual who has
341 complied with the requirements of this chapter shall be entitled to a certificate or identification
342 card indicating that he/she is qualified for licensure under the provisions of this chapter.

343 (b) Each certificate shall contain the name of the individual to whom it was issued and his/her,
344 class of license, address, serial number and expiration date.

345 (c) Each individual identification card shall contain the name of the individual to whom it was
346 issued, a head and shoulders picture (passport type) taken within three months prior to the date
347 of issuance of the identification card, type of classification (JA, SA, TA).

348 (d) A duplicate certificate and/or identification card to replace one that has been lost, destroyed
349 or mutilated may be issued by the board upon payment of the fee required by this chapter.

350 Section 12. (a) The fees paid by an applicant for filing an application for examination, for the
351 examination, for renewal, for renewal of an expired certificate, or for issuance of a duplicate
352 certificate shall be in accordance with section entitled "Fees", of the by-laws of the board-

353 (b) All fees or other moneys collected under the provisions of this chapter shall be paid to and
354 received by the general treasurer who shall keep those moneys in a separate fund administered
355 by the director of the office of consumer affairs and business regulation. All fees paid into the

356 fund shall be used to reimburse the board for expenses incurred in the administration and
357 enforcement of this chapter. The controller is authorized and directed to draw his orders upon
358 the general treasurer for payment from the fund, upon receipt by the controller of vouchers
359 authenticated by the chairman or secretary of the board.

360 Section 13. (a) All administrative procedures in this section shall be consistent with those of
361 chapter 141 of this act. The secretary of the board shall keep a record of its proceedings. The
362 record shall include the name, age, and last known address of each applicant for registration,
363 information concerning each applicant's education, experience and other qualifications, the text
364 of all examinations administered and the results thereof and such other information as the board
365 deems appropriate. The record of the board shall be prima facie evidence of the proceedings
366 and a certified transcript by the secretary shall be admissible in evidence with the same force
367 and effect as if the original were produced.

368 (b) The board shall maintain a roster of technicians and businesses. Copies of the roster shall be
369 made available annually to federal agencies within the state, city and town officials, and may be
370 distributed or sold to the public.

371 (c) The secretary of the board shall receive and account for all moneys derived from the
372 activities of the board and shall submit to the governor and the legislature a report of its
373 transactions of the preceding year.

374 Section 14. (a) The board may refuse to issue a certificate, or may revoke or annul a certificate,
375 or may suspend a certificate for any of the following acts:

- 376 1. Bribery, fraud, or misrepresentation in obtaining a license.
- 377 2. Performing or engaging in the installation, alteration, service, or testing of
378 telecommunications in another state or country in violation of the laws of that state or country.

379 3. Performing or engaging in the installation, alteration, service or testing of
380 telecommunications in this state in violation of the provisions of this chapter or standards of
381 professional conduct established and published by the board.

382 4. Fraud, deceit, recklessness, gross negligence, or incompetence in the installation, alteration
383 service, or testing of telecommunications .

384 5. Use of a license serial number in a manner other than that authorized by this chapter.

385 (b) The director of the office of consumer affairs, division of professional licensure shall be
386 authorized to provide assistance to the board in the normal day-to-day enforcement and
387 administration of this chapter. Such assistance shall be in accordance with sections entitled
388 "Administration" and "Enforcement" of the by-laws of the board. All administrative guidance
389 to the board shall be consistent with the Administrative Procedures Act of the State.

390 (c) Any person may prefer charges against an applicant or licensee under subsection (a) of this
391 section by submitting a written statement of charges, sworn to by the complainant with the
392 secretary of the board. In addition, the board may, on its own motive, investigate the conduct of
393 an applicant or licensee, and shall, in appropriate cases, file a written statement of charges with
394 the secretary. The board shall hear and determine all charges within three months after the date
395 on which the secretary received the statement of charges. The board shall fix the time and place
396 of the hearing. The applicant or licensee charged shall be entitled to be represented by counsel.
397 Any member of the board may administer oaths and conduct examinations. If, after hearing,
398 four or more members of the board shall find the accused applicant or licensee guilty of the
399 charges, or any one of the charges, it may refuse to issue a license to the accused applicant, or it
400 may revoke or suspend the license of the accused licensee.

401 (d) The board may, in its discretion, reissue a license revoked or suspended under subsection (b)
402 of this section upon presentation of suitable evidence of reform.

403 (e) Either party (complainant or respondent) in any enforcement action brought before the board
404 may appeal the ruling of the board to the Division of Administrative Law Appeals. The director
405 may, for just cause, return the matter to the board for reconsideration. Enforcement action on
406 this matter will be suspended during this appeal process. Any appeal brought under this
407 provision must be made to the Division of Administrative Law Appeals within 30 calendar days
408 from the date of the original ruling of the board. Said appeal must be acted upon by the
409 Division of Administrative Law Appeals within 30 calendar days from receipt the board shall
410 return a determination of the reconsideration within 60 calendar days from the date of return
411 from the Division of Administrative Law Appeals. There shall be right to appeal of the
412 reconsideration, should either party chose, through the courts.

413 (f) The attorney general or his deputy shall act as legal advisor to the board and shall render
414 such legal assistance as may be necessary in carrying out the provisions of this chapter. The
415 board may employ counsel and other necessary assistance to be appointed by the governor to
416 aid in the enforcement of this chapter, and the compensation and expenses therefore shall be
417 paid from the fund of the board.

418 Section 15. The provisions of this chapter are severable, and if any section shall be declared
419 invalid or void for any reason, the remainder of this chapter shall not be affected or impaired.