

SENATE NO. 1989

AN ACT RELATIVE TO MODERNIZING THE REQUIREMENTS FOR ELECTRICAL TRADE PRACTICE

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follow*

1 SECTION 1. {Licensing and supervision of electricians, etc.}

2 Chapter 141 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by
3 striking out the chapter in its entirety and inserting in place thereof the following new chapter:

CHAPTER 141

5 LICENSING AND SUPERVISION OF ELECTRICIANS, TECHNICIANS AND APPRENTICES WHO INSTALL
6 ELECTRICAL, SECURITY, FIRE, TELECOMMUNICATIONS AND ANY INHERENTLY POWER LIMITED
7 SYSTEMS.

8 Section 1. {Definitions.}

9 The following words used in this chapter or in any rules and regulations promulgated by the
10 examiners in accordance with the provisions of chapter thirty A, unless the context otherwise requires,
11 shall have the following meaning.

12 “Apprentice,” a person who, not having been licensed under the provisions of this chapter, is
13 learning to properly perform electrical work and who works under the supervision of an appropriately
14 licensed person, and who installs, makes repairs, tests or maintains wires, conductors, cables,
15 raceways, apparatus, devices, fixtures, or other appliances used for heat, light, power, fire warning,
16 security, telecommunications or any system purposes.

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

19 “Electrical Business,” is a private business corporation, partnership, firm, unincorporated
20 association, sole proprietorship or other legal entity engaging or proposing to engage in gainful
21 economic activity regulated by this chapter whether or not the principal focus of such activity involves
22 electrical work as defined herein.

23 “Electrical Work,” the installation, testing, repair, or maintenance of conductors, cables,
24 raceways, apparatus, devices, fixtures, or other appliances used for heat, light, or power functions, or
25 for fire warning, security, or signaling, telecommunications or comparable power limited functions
26 where such wiring is permanently connected to a source of electricity or that is permanently controlled
27 through the use of electrical signals, including optical fiber cables.

28 “Examiners,” the board of state examiners of electricians, technicians and related occupations as
29 constituted under the provisions of section thirty-two of chapter thirteen and operating within the
30 division of professional licensure as provided under section eight of said chapter thirteen.

31 “Fire Warning System,” an inherently power limited system of conductors, cables, raceways,
32 apparatus, devices, fixtures, components or other appliances installed and interconnected electrically
33 or electronically for the detection of heat, smoke, or products of combustion, or for the transmission of
34 signals or audible alarms.

35 “Inactive,” a status of licensure prohibiting an individual licensed under this chapter from
36 engaging or proposing to engage in electrical work within the commonwealth.

37 “Inherently Non-Power Limited System,” an assembly requiring overcurrent protection supplied
38 in the field due to design and construction.

39 “Inherently Power Limited System,” an assembly requiring no overcurrent protection supplied in
40 the field due to design and construction.

41 “Journeyman Electrician,” a person qualified to do electrical work.

42 “Licensee,” a person duly licensed by the examiners under the provisions of this chapter.

43 “Limited Contractor,” a person or business entity having a principal place of business and
44 possessing a limited contractor (LC) certificate as provided in the seventh clause of the sixth section of
45 this chapter.

46 “Limited Technician,” a person qualified to do the work of limited technical expertise as provided
47 in the eighth clause of the sixth section of this chapter.

48 “Master Electrical Contractor,” a person or business entity having or qualified to have a principal
49 place of business and possessing a certificate A as provided in the first clause of the sixth section of
50 this chapter.

51 “Person,” an individual.

52 “Premises Wiring,” the interior and exterior conductors, cables, raceways, apparatus, devices,
53 fixtures, or other appliances used for heat, light, power, fire warning, security, or signaling,
54 telecommunications or comparable power limited system wiring, both permanently and temporarily
55 installed, that extend from the service point or source of power, such as a battery, a solar photovoltaic
56 system, fuel cell, or a generator, transformer, or converter windings, to the termination of wiring
57 fastened in place, or to the termination of wiring permanently installed for the purposes described in
58 this chapter or included in section three L of chapter one hundred forty-three. Such wiring includes
59 optical fiber cables, but does not include wiring internal to appliances, luminaires (fixtures), motors,
60 controllers, motor control centers, and similar equipment.

61 “Principal Place of Business,” the location where business records are kept and maintained.

62 “Qualified Employer,” a person, corporation, or other business entity licensed by the examiners
63 under this chapter that regularly employs journeyman electricians, system technicians,
64 telecommunications technicians, or persons with limited certificates for the purpose of performing

65 electrical work, or an entity not licensed under this chapter that employs such persons to perform
66 electrical work exclusively on the premises of said entity under the provisions of section fourteen of
67 this chapter.

68 “Qualifying Officer,” the responsible individual who is an officer of a corporation or other
69 business entity, or a designated senior employee of a qualified employer, and who is the
70 current holder of a master electrical contractor certificate, or systems contractor certificate or
71 telecommunications contractor certificate or limited contractor certificate issued by the
72 examiners.

73 “Security System,” an inherently power limited premises wiring system of that is permanently
74 controlled through the use of electrical signals, and that is installed and interconnected electrically or
75 electronically to permit access control, proprietary signaling, surveillance and the detection of
76 burglary, intrusion, holdup, or other conditions requiring response or the transmission of signals or
77 audible alarms.

78 “Senior Citizen,” a person 70 years of age or older.

79 “Service Point,” the point of connection between the facilities of a municipal electric plant,
80 or an electric company as defined in section one of chapter one hundred sixty-four, or a gas
81 company authorized to make or sell electricity, and the premises wiring.

82 “Sound Transmission,” the movement of audible information, including but not limited to
83 music or speech, between local or distant points and generally for broadcast over a defined area
84 with or without connecting wires

85 “Supervision,” direct, personal, on-site guidance and control of one person by another.

86 “System,” a fire warning, security, telecommunications or any other inherently power
87 limited system, including associated conductors, raceways, apparatus, devices, fixtures or other
88 appliances, installed as part of the premises wiring of a building or property and that is
89 permanently connected to a source of electricity or that is permanently controlled through the
90 use of electrical signals.

91 “Systems Contractor,” a person or business entity having a principal place of business and
92 possessing a certificate C as provided in the third clause of the sixth section of this chapter.

93 “Systems Technician,” a person qualified to do the work of installing, repairing, testing or
94 maintaining inherently power limited systems.

95 “Telecommunications”, the transmission, emission, or reception of signs, signals, writings, images
96 and sounds, or information of any nature by electromagnetic systems, including but not limited to
97 wires, optical fiber cables, or radio or video broadcast.

98 “Telecommunications Contractor,” a person or business entity having a principal place of business
99 and possessing a certificate TC as provided in the fifth clause of the sixth section of this chapter.

100 “Telecommunications System,” an inherently power limited system that is permanently connected
101 to a source of electricity or that is permanently controlled through the use of electrical signals,
102 including optical fiber cables and that is interconnected electrically, electronically, or photo-
103 electronically or by wireless radio frequency for the transmission of intelligence by electricity,
104 including sound, video, and data transmission.

105 “Telecommunications Technician,” a person qualified to do the work of installing, repairing,
106 testing or maintaining telecommunications systems..

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

109 “Video Transmission,” the movement of images between local or distant points with or
110 without connecting wires

111 Section 2. {Electricians; licensure requirement; exceptions. }

112 No person or business, or officer, employee, representative or member thereof shall solicit for, bid
113 for, advertise, enter into, engage in or work in the electrical business, or perform electrical work,
114 unless such person or business, or officer, employee representative or member thereof has been
115 licensed, or recognized as an apprentice, under the provisions of this chapter. Nothing in this chapter
116 shall be construed to prevent or affect the practice of architecture or engineering by any person so
117 authorized under the provisions of chapter one hundred twelve. With respect to security systems, any
118 such business, including all employees or representatives thereof, shall be licensed by the
119 commissioner of public safety to the extent required by the provisions of sections fifty-seven to sixty-
120 one, inclusive, of chapter one hundred forty-seven.

121 The licensing provisions of this chapter shall not apply to any person or business entity who
122 employs licensed persons to perform electrical work under the provisions of section fourteen of this
123 chapter, or to any person or business entity who contracts for the services of a person, corporation, or
124 other business entity duly licensed under this chapter. This chapter also shall not apply to an employee
125 of an electrical business who does not engage in or perform electrical work.

126 Section 3. {State examiners; rules; examinations; committees; education and work experience. }

127 The examiners may make, adopt, amend, repeal, and enforce necessary rules and regulations
128 consistent with law and promulgated in accordance with the provisions of chapter thirty A for the
129 proper performance of its duties, to assure that apprentices are properly supervised and their work
130 experience duly credited, and to assure that individuals licensed or to be licensed under the provisions
131 of this chapter obtain and maintain the skills required at the time of examination. The examiners may

132 establish advisory committees for the electrical, systems, and telecommunications industries and other
133 committees the examiners deem necessary for the performance of their duties.

134 At reasonable intervals the examiners shall administer examinations in convenient places within
135 the commonwealth or outside the commonwealth, and shall give public notice of the times and places
136 for such examinations. The examiners shall issue certificates for, and by regulation establish for its
137 licensees, educational providers, inspectors and apprentices an accredited program of education and
138 may adopt an accredited program of education that is consistent with nationally recognized education,
139 training, and curriculum standards. The examiners shall establish procedures and standards under
140 which such education and the work experience of a licensee or apprentice may be applied as credit
141 towards requirements in a different form of licensure.

142 Records of meetings of the examiners shall be open for inspection upon reasonable request, and
143 they shall have printed annually a manual of their regulations. The examiners shall make biennial
144 reports of their doings in each odd numbered year. The examiners may employ counsel to aid in the
145 enforcement, prosecution and administration of this chapter, and the compensation and expenses
146 therefor shall be paid from the funds of the division of professional licensure. Such counsel shall be
147 used exclusively for purposes of furthering the goals and objectives of this chapter.

148 Section 4. {Examinations; credit to veterans.}

149 The examiners shall establish uniform requirements for all towns in the conduct of examinations,
150 which may be revised from time to time, as circumstances require. The examiners shall approve the
151 form and content of all examinations and shall establish passing scores. In establishing such passing
152 scores, the examiners shall grant a credit of five per cent to each part of the examination of each
153 applicant who is a veteran as defined in clause forty-three of section seven of chapter four.
154 Examinations may be conducted in writing or electronically. Reasonable and necessary

155 accommodations shall be made for all applicants requiring such considerations, if required by law.
156 Examinations may be supervised by one or more members of the examiners or agents of the
157 examiners, and no license shall be granted or passing score awarded without the sanction of the
158 examiners.

159 Section 5. {Electricians, Contractors, and Technicians licensed in other states; reciprocal licensure
160 without examination; fees.}

161 The examiners may issue a license without examination to any person who has paid the fee
162 established for this purpose and who has been licensed as an electrician, contractor, technician or
163 apprentice in another state under laws which, in the opinion of the examiners, establish standards
164 substantially the same as those established by the examiners under this chapter.

165 Section 6. {Forms of and general provisions relating to examinations, licenses, certificates, records,
166 manual of regulations, and registration.}

167 The following forms of license shall be issued by the Examiners: certificate A, known as a master
168 electrical contractor's license; certificate B, known as a journeyman electrician's license; certificate C,
169 known as a systems contractor's license; certificate D, known as a systems technician's license;
170 certificate TC, known as a telecommunications contractor's license; certificate TT, known as a
171 telecommunications technician's license, certificate LC, known as a limited contractor license and;
172 certificate L, known as a limited certificate. No person shall possess more than one license or
173 certificate for any given certificate classification established under this section, and a holder of a
174 certificate A, certificate C, certificate TC, or certificate LC who becomes the qualifying officer of a
175 business entity shall surrender said license at that time, whereupon a new license shall be issued in the
176 name of both the qualifying officer and of the business entity.

177 (1) A certificate A shall be issued to any person, or to a business entity with a qualifying officer,
178 that is engaged in, about to engage in, or who is qualified to engage in the electrical business;
179 provided, however, that such person or qualifying officer shall have qualified to sit for and passed an
180 examination by the examiners for such a license, and who, at the time of application for examination,
181 shall have been a holder in good standing of a current certificate B license for a minimum of twelve
182 months; or who shall have qualified under section five of this chapter. A holder of a certificate A
183 license shall additionally maintain in good standing a certificate B license if said holder elects to
184 perform electrical work as defined in section one.

185 (2) A certificate B shall be issued to any person who shall have qualified to sit for and passed the
186 examination established by the examiners for such a license or who shall have qualified under section
187 five of this chapter. The certificate shall bear the name of such person as an individual, who shall
188 thereby be authorized to engage in the occupation of journeyman electrician and to perform electrical
189 work as defined in section one.

190 (3) A certificate C shall be issued to any person or to a business entity with a qualifying officer
191 that is engaged in, about to engage in, or who is qualified to engage in the system portion of the
192 electrical business as defined in section one; provided, however, that such person or qualifying officer
193 shall have qualified to sit for and passed an examination by the examiners for such a license, and who,
194 at the time of application for examination, shall have been a holder in good standing of a current
195 certificate D license for a minimum of twelve months; or who shall have qualified under section five
196 of this chapter. A holder of a certificate C license shall additionally maintain in good standing a
197 certificate D license if said holder elects to perform the work of installing, repairing, testing, and
198 maintaining inherently power limited systems installed as part of premises wiring.

199 (4) A certificate D shall be issued to any person who shall have qualified to sit for and passed the
200 examination established by the examiners for such a license or who shall have qualified under section
201 five of this chapter. The certificate shall bear the name of the person as an individual, who shall
202 thereby be authorized to engage in the occupation of systems technician and to perform the work of
203 installing, repairing, testing, and maintaining inherently power limited systems installed as part of
204 premises wiring.

205 (5) A certificate TC shall be issued to any person or to a business entity with a qualifying officer
206 that is engaged in about to engage in, or who is qualified to engage in the telecommunication systems
207 portion of the electrical business as defined in section one; provided, however, that such person or
208 qualifying officer shall have qualified to sit for and passed an examination by the examiners for such a
209 license and who, at the time of application for examination, shall have been a holder in good standing
210 of a current certificate TT license for a minimum of twelve months; or who shall have qualified under
211 section five of this chapter. A holder of a certificate TC license shall additionally maintain in good
212 standing a certificate TT license if said holder elects to perform the work of installing, repairing,
213 testing, and maintaining telecommunications systems.

214 (6) Certificate TT shall be issued to a person who shall have qualified to sit for and passed the
215 examination established by the examiners for such a license or who shall have qualified under section
216 five of this chapter. The certificate shall bear the name of such person as an individual, who shall
217 thereby be authorized to engage in the occupation of telecommunications technician and to perform
218 the work of the work of installing, repairing, testing or maintaining telecommunications systems.

219 (7) A limited contractor (LC) certificate shall be issued to any person or to a business entity with a
220 qualifying officer that is engaged in, about to engage in, or who is qualified to engage in the electrical
221 business, but limited in its activity to one or more areas of technical expertise as described in section

222 nine of this chapter; provided, however, that such person or qualifying officer shall have qualified to
223 sit for and passed an examination by the examiners for such license, and who, at the time of
224 application for examination, shall have been a holder in good standing of a current certificate L license
225 in the same areas of technical expertise for a minimum of twelve months, or who shall have qualified
226 under section five of this chapter. A holder of a certificate LC license shall additionally maintain in
227 good standing a certificate L license if said holder elects to perform the work in said specific area of
228 expertise.

229 (8) A limited category (LT) certificate shall be issued to any persons who document to the
230 satisfaction of the examiners their education and work experience in the specific area of technical
231 expertise as described in section nine of this chapter. The examiners may require such expertise to be
232 proven by examination, or may qualify said applicant under section five of this chapter. The certificate
233 shall bear the name of such person as an individual, who shall thereby be authorized to perform the
234 work in said specific area of expertise.

235 (9) Each certificate A, C, TC, and LC shall bear the name of the person, or the name of the
236 qualifying officer and the name of the business entity, which shall thereupon be authorized, in its own
237 name, to solicit for, bid for, advertise, enter upon or engage in the electrical business to the extent
238 permitted by this chapter and to direct the actions of electricians, technicians, or apprentices in the
239 actual performance of its electrical work.

240 (10) Notwithstanding the provisions of any general or special law to the contrary, nothing shall be
241 construed to prevent or to affect the practice of designing or preparing plans, specifications, shop
242 drawings or as-built drawings by any person or business who is a valid certificate holder, without
243 requiring the seal of registration of an architect or professional engineer, for electrical work to be

244 installed or being installed by the same person or business preparing such plans, specifications, shop
245 drawings or as-built drawings.

246 (11) All certificates issued under this chapter shall expire every third year on a day that is uniform
247 within each class of certificate issued. Each certificate may be renewed by the same person without
248 further examination, upon application and payment of the established fee. The examiners may require
249 evidence of continuing education on the part of the licensee prior to renewing a license without further
250 examination and may establish fees in connection with the administration of such educational
251 programs. In the case of failure to renew a license as required by this chapter on or before its
252 expiration, the person or business named therein, upon payment of said fee, increased by such
253 additional fees as would have been payable had such license been timely renewed, may receive a
254 deferred renewal thereof which shall expire on the third anniversary date as indicated in this section;
255 provided, however, that such renewed license shall not retroactively make its holder a licensee for any
256 period preceding its issue; and at the discretion of the examiners such applicant may be required to be
257 re-examined prior to renewal in the event said application for renewal is not received by the examiners
258 until after the close of an entire subsequent renewal cycle.

259 (12) The examiners may, upon application therefor and the payment of a reduced fee, reclassify
260 the license status of an out-of-state licensee or a senior citizen to “inactive”.

261 (13) The examiners shall furnish holders of certificates issued pursuant to this chapter with
262 evidence of licensure, in the form of a card or otherwise. Certificates B, D, TT, and L shall be carried
263 on the person of the licensee and exhibited upon request.

264 (14) Any person wishing to be examined shall make written application thereof, accompanied by
265 the appropriate examination fee. A person passing the examination for any license issued by the
266 examiners shall pay the appropriate fee prior to the issuance of such license. An applicant failing to

267 pass the examination shall be entitled to additional examinations under such conditions as the
268 examiners may establish, but a new application shall be made for each such examination, and the
269 applicant shall pay the fee established for such subsequent examinations.

270 (15) Any certificate expiring while the holder thereof is in the military service of the United States
271 shall, upon application and payment of the appropriate fee, be renewed without further examination at
272 any time within 4 months after such person's discharge from such service.

273 (16) Examination papers and applications for certificates shall be preserved for at least two years,
274 after which they may, at the discretion of the examiners, be destroyed.

275 (17) Upon application, the examiners shall have the authority to review the specific vocational and
276 educational experience of any applicant for licensure and to determine whether said applicant
277 substantially meets the qualifications established in this section and is thereby eligible to sit for the
278 examination required for such licensure.

279 (18) Holders of certificate B may engage in the electrical business, as defined in section one of
280 this chapter, to the same extent as holders of certificate A as defined in the first clause of this section.
281 No holder of a certificate B shall employ another holder of said certificate B, or employ or supervise
282 more than one apprentice as defined in section one of this chapter, or engage in the electrical business
283 under any other name than the one on the certificate issued pursuant to the second clause of this
284 section.

285 Section 7. {Apprentices.}

286 The following certificates shall be issued by the examiners to persons learning to perform
287 electrical work, and intending to apply for licensure under this chapter: certificate JA, known as
288 electrician's apprentice certificate; certificate SA, known as systems technician's apprentice
289 certificate; certificate TA, known as telecommunications technician apprentice certificate. These

290 certificates, in card form or otherwise, shall be issued upon payment of a fee to any person who
291 qualifies as an apprentice under regulations established by the examiners. Certificates JA, SA, and or
292 TA shall expire and shall be renewable upon the same conditions set forth in the eleventh clause of the
293 sixth section of this chapter. The certificate shall specify the name of the person who thereby shall be
294 authorized to work as an apprentice as herein defined. Certificates shall be carried on the person of the
295 apprentice and exhibited on request.

296 A holder of a certificate A, certificate C, certificate TC, or an employer of persons holding
297 certificate B, certificate D, or certificate TT pursuant to section fourteen of this chapter, shall maintain
298 written records of the type and duration of electrical work performed by an apprentice possessing a
299 certificate issued under this section upon due notice of such certification. Such records shall be in a
300 form approved by the examiners, and shall be countersigned by the supervising electrician or
301 technician under the pains and penalties of perjury. The examiners may limit the number of
302 apprentices authorized under this section to work under the supervision of a journeyman electrician,
303 systems technician or telecommunications technician as the case may be.

304 Section 8. {Display certificates.}

305 No holder of a certificate A, certificate C, certificate TC, or certificate LC shall engage in any
306 aspect of the electrical business in other than their own name without first obtaining from the
307 examiners a certificate suitable for public display which shall specify the names of the responsible
308 qualifying officer, other principal officers of the business entity, the type of certificate granted, and
309 any endorsements as described in section nine of this chapter. Such certificates shall be displayed in a
310 conspicuous place at the principal place of business.

311 Each display certificate shall expire consistent with the provisions set forth in the eleventh clause
312 of the sixth section of this chapter, but may be renewed by the licensee or by a principal officer of such

313 business upon application and payment of a fee. In the case of failure to renew a certificate before its
314 expiration, the licensee or principal officer, upon payment of said renewal fee increased by such
315 additional fees as would have been payable had such certificate been timely renewed, may receive a
316 deferred renewal which shall expire as set forth in the eleventh clause of the sixth section of this
317 chapter, provided however that such renewed certificate shall not retroactively make its holder eligible
318 to engage in the electrical business for any period preceding its issue.

319 Section 9. {Limited Contractor's and Limited Technician's certificates.}

320 Limited Technician's (LT) and Limited Contractor's (LC) certificates shall be issued by the
321 examiners to authorize the performance of electrical work and the engagement in the electrical
322 business in particular areas of technical expertise. These certificates shall be issued in one of three
323 subject categories as provided in this section. The examiners shall limit the applicability of said
324 certificates to one or more specific portions of premises wiring based on the training and experience
325 required of the certificate holders. The examiners may consider other areas of comparable technical
326 interest and skill, and qualify them for inclusion in one of said categories as the public safety and
327 convenience may from time to time require. Each certificate issued shall indicate both the pertinent
328 subject category and the specific area of technical expertise as so endorsed by the examiners.

329 (1) Category 1 shall be known as a Non Power Limited certificate. A holder of this certificate
330 shall, with specific endorsements authorized by the examiners, be entitled to install, test, repair, and
331 maintain one or more of the following: water pumps, signs, traffic signals, replacement air
332 conditioning units, replacement boilers and furnaces, theatrical stage lighting, lightning protection, and
333 landscape lighting systems.

334 (2) Category 2 shall be known as a Power Limited certificate. A holder of this certificate shall,
335 with specific endorsements authorized by the examiners, be entitled to install, test, repair, and maintain

336 one or more of the following: garage door opener controls, central vacuum system controls, sound or
337 video systems, electric fence systems, data transmission systems, voice transmission systems and,
338 lawn irrigation controls, landscape lighting, provided in all cases, however, that the systems to be
339 installed, tested, repaired, and maintained qualify as inherently power limited systems as defined in
340 section one of this chapter.

341 (3) Category 3 shall be known as a Power Limited Testing certificate. A holder of this certificate
342 shall, with specific endorsements authorized by the examiners, be entitled to test one or more of the
343 following: fire warning systems, sprinkler alarm systems.

344 Limited Contractor's and Limited Technician's certificates shall be issued to a person engaged in the
345 occupation as defined in this section upon submission of documentation satisfactory to the examiners
346 evidencing appropriate education and work experience in the specific category and endorsement of
347 certification. This section shall not be construed to limit the authority of holders of certificates A, C, and
348 TC to engage in the electrical business, nor to limit the authority of holders of certificates B, D, and TT to
349 perform electrical work, to the extent authorized by their certificates whether or not such activity is
350 otherwise eligible for licensure under this section.

351 Section 10. {Certificates not transferable may be suspended or revoked.}

352 No certificate issued under this chapter shall be assigned or transferred. Such certificates
353 authorizing performance of electrical work and engagement in the electrical business issued under this
354 chapter may be suspended or revoked by the examiners, following notice to the licensee and
355 opportunity to be heard, upon the licensee's failure or refusal to comply with the rules and
356 requirements of the examiners, or for other sufficient cause.

357 Section 11. {Engagement in business or work without complying with statute; enforcement.}

358 Any person or business, or employee thereof, and any representative, member or officer of such
359 business, or any apprentice acting individually, who solicits for, bids for, advertises for, enters upon,
360 or engages in, or is about to engage in the respective business or occupation as described herein, or
361 who causes or permits his agents, servants or employees to solicit for, bid for, advertise, enter or
362 engage in such business or occupation, without first having fully complied with this chapter, shall be
363 punished by a fine of not less than 500 dollars nor more than 5,000 dollars or by imprisonment in the
364 house of correction for 6 months, or both. The examiners and the inspectors of wires in each city and
365 town, as defined in section thirty-two of chapter one hundred sixty-six, shall be charged with the
366 enforcement of this chapter. The examiners or their agents and the inspectors of wires shall have the
367 necessary powers to require compliance therewith, including the power to institute and prosecute
368 proceedings in the superior court department of the trial court. The examiners or their agents, when so
369 delegated, shall have the power to pursue the administrative remedies for improper trade practice set
370 forth in section sixty-one and section sixty-five et seq. of chapter one hundred twelve.

371 The examiners or their agents and the inspectors of wires shall have the authority to enter at any
372 reasonable hour any building or other premises to make inspection or investigation pursuant to this
373 chapter, without being held or deemed to be guilty of trespass.

374 Section 12. Liability for work of employee.

375 No person or holder of a certificate A, certificate C, certificate TC, or certificate LC shall be liable
376 for work done by his or her or its employees, unless it appears that such work was done with his or her
377 or its knowledge or consent or by his or her or its authorization.

378 Section 13. Non-applicability of chapter.

379 This chapter shall not apply to: persons installing, repairing, and wiring elevators; persons
380 working in connection with the erection, construction, maintenance or repair of lines for transmission

381 of electricity from the source of supply to and including the service point for the premises, and
382 including facilities used for the purpose of metering, generation, control, transformation, or
383 distribution of electric energy if used by and under the exclusive control of municipal electric plants,
384 by electric companies as defined in section one of chapter one hundred and sixty-four, by gas
385 companies authorized to make or sell electricity, by electric street railway companies, or by electric
386 railroad companies or by railroad companies, provided also that such facilities are within public ways,
387 or are located on property owned or leased by such companies or within areas controlled by them
388 through established rights or pursuant to regulations of or agreements recognized by the department of
389 telecommunications and energy; employees of such plants or companies working on premises owned
390 or controlled by them and used as an integral portion of a generating plant, substation, or control
391 center; the employees of said municipal electric plants or of said electric or gas companies in
392 installing, maintaining and repairing on the premises of customers metering or other equipment under
393 the exclusive control of such companies; work under the control of said municipal electric plants or
394 said electric or gas companies performed in connection with the lighting of public ways, alleys, private
395 ways, or public parks, areas or squares; municipal employees engaged in the work of installing,
396 maintaining or repairing public signaling systems used for fire warning notification or traffic signaling
397 systems; persons working for companies subject to regulation by the department of
398 telecommunications and energy, and incorporated for the transmission of intelligence by electricity in
399 installing, maintaining or repairing wires, apparatus, fixtures, or other appliances used by such
400 companies and necessary for, or incident to, their business, whether or not such wires, raceways,
401 apparatus, fixtures or other appliances are on its own premises; or employees working in connection
402 with the installation, construction, maintenance, repair and renovation of telephone equipment, or
403 cable television service subject to regulation by the department of telecommunications and energy; or

404 persons installing or repairing a telecommunications system in a motor vehicle, as defined in section
405 one of chapter ninety, or by employees of class 1 or class 2 licensees as defined under section fifty-
406 eight of chapter one hundred forty.

407 Section 14. {Employers without a certificate; apprentices; theatrical companies }

408 A person licensed under this chapter to perform electrical work and regularly employed by a
409 person or business who is not a holder of a certificate A, certificate C, certificate TC or certificate LC
410 may install and or test such wiring, raceways, and appliances, or maintain or make such repairs as may
411 be required; provided such electrical work occurs exclusively on the premises and property of such
412 business, and provided such licensee is otherwise licensed to perform the electrical work in
413 compliance with this chapter.

414 Electricians employed by theatrical companies and traveling carnivals may install temporary
415 wiring and appliances required for the purpose of the engagement of any such company, subject to
416 licensure under this chapter.

417 Section 15. {Penalty for misstatement. }

418 Any applicant for a certificate of licensure who makes any misstatement as to his or her
419 experience or other qualifications, or any licensee, licensed in accordance with this chapter subscribing
420 to, or vouching for, any such misstatements resulting in the issuance of a license shall be subject to the
421 penalties set forth in section eleven. In addition, such licensee may be subject to the annulment of their
422 license and the suspension or revocation of his or her right to engage in the occupation and or business
423 as permitted under the terms of said licensure. Any licensee who knowingly misstates an applicant's
424 work experience may be subject to the suspension or revocation of his or her license and his or her
425 right to engage in the occupation and or business permitted under the terms of said license.

426 Section 16. Fees and fines collected under this chapter.

427 The fees established under this chapter shall be determined annually by the commissioner of
428 administration under the provisions of section three B of chapter seven and subsections (b) and (c) of
429 section thirty-five V of chapter ten. All fees collected under this chapter shall be paid to the
430 commonwealth subject to the provisions of subsection (a) of section thirty-five V of chapter ten. All
431 fines collected under this chapter shall be paid to the commonwealth subject to the provisions of
432 section sixty-five D of chapter one hundred twelve.

433 SECTION 2. {Board of State Examiners of Electricians, Technicians, and Related Occupations}

434 Section 32 of chapter 13 of the General Laws, as appearing in the 2000 Official Edition, is hereby
435 amended by striking out the section in its entirety and inserting in place thereof the following new
436 section:

437 Section 32. {State examiners of electricians; board; membership; appointment; term; executive
438 director; compensation and expenses. }

439 The state examiners of electricians, technicians, and related occupations, hereinafter called the
440 examiners, shall consist of the state fire marshal, the associate commissioner for the division of
441 occupational education in the department of education, ex officio, and ten persons to be appointed for
442 terms of three years each by the governor. One of said appointees shall be a representative of the
443 public, subject to the provisions of section nine B of this chapter, and one shall be a local wiring
444 inspector who is an electrician licensed under chapter one hundred forty-one. Eight of said appointees
445 shall be citizens of the commonwealth: one of whom shall be a master electrical contractor who holds
446 a certificate A license issued under said chapter one hundred forty-one and has at least ten years
447 experience as an employing master electrical contractor; one shall be a master electrical contractor
448 who holds certificate A and certificate B licenses issued under chapter one hundred forty-one, and has
449 at least ten years experience as a master electrical contractor qualified to engage in the electrical

450 business; one shall be a journeyman electrician who holds a certificate B license issued under said
451 chapter one hundred forty-one, is a wage earner and has at least ten years practical experience in the
452 installation of wires and appliances for carrying electricity for light, heat, power, telecommunication,
453 and systems purposes; one shall be a systems contractor who holds a certificate C license issued under
454 said chapter one hundred forty-one, is actively engaged in the business of fire warning, security and
455 any systems as his principal business and has at least 10 years as an employing systems contractor; one
456 shall be a systems technician who holds a certificate D license issued under said chapter one hundred
457 forty-one, is a wage earner and has at least ten years practical experience in the installation, repair and
458 maintenance of systems; one shall be a telecommunications contractor who holds a certificate TC
459 license issued under said chapter one hundred forty-one, is actively engaged in the business of
460 telecommunications systems and has at least ten years as an employing telecommunications
461 contractor; one shall be a telecommunications system technician who holds a certificate TT license
462 issued under said chapter one hundred forty-one, is a wage earner and has at least ten years practical
463 experience in the installation, repair and maintenance of telecommunications systems for ten years
464 prior to appointment; one shall be a representative of the New England Section of the International
465 Municipal Signal Association who holds at least a level I competency certificate from said association,
466 is a municipal employee and has at least ten years practical experience in the installation, repair,
467 maintenance of fire warning or signaling systems. The state fire marshal shall be chairman. When the
468 examiners decides matters regarding continuing education requirements and programs for its licensees,
469 the examiners shall first consider the recommendations of a three-member subcommittee comprised of
470 two of its members especially qualified to serve in the applicable area of expertise, and a third member
471 appointed by the chair. The examiners shall appoint an executive director who shall be a wage earner,
472 a citizen of the commonwealth and a current holder of a certificate A with a minimum of 10 years

473 experience engaging in the business of electrical installations, and who shall be currently certified
474 under the provisions of section thirty-two B of chapter one hundred sixty-six. The examiners may also
475 appoint, subject to chapter thirty-one, such other clerical and technical assistants as may be necessary
476 to discharge its duties under chapter one hundred forty-one and shall establish their responsibilities.
477 The members, ex officiis, shall receive no compensation for their services under chapter one hundred
478 forty-one, but the appointive members shall each receive for their services there under a salary of
479 seven hundred fifty dollars. The examiners may expend for the salaries of the appointive members and
480 of the secretary and other employees and for necessary traveling and other expenses for themselves
481 and their employees such sums as are annually appropriated therefor.

482 SECTION 3: {Massachusetts Electrical Code; permits and inspection}

483 Section 3L of Chapter 143 of the General Laws, as appearing in the 2000 Official Edition is
484 hereby amended by striking it out in its entirety and replacing it with the following new section 3L:

485 Section 3L. {Regulations relative to electrical wiring and fixtures; notice of electrical installation}

486 The board of fire prevention regulations shall make and promulgate, and from time to time may
487 alter, amend and repeal, rules and regulations relative to the installation, repair and maintenance of
488 electrical wiring that connects to a source of electricity and electrical wiring within or supplied from
489 buildings and structures subject to the provisions of sections three to sixty, inclusive, and the state
490 building code. Such regulations shall be in accordance with generally accepted standards of
491 engineering practice, and shall be designed to provide reasonable requirements for safety in relation to
492 life, fire and explosion. The rules and regulations governing electrical wiring shall be uniform
493 throughout the commonwealth, and no city or town shall make, supplement, modify or delete any rule
494 and regulation for said purpose.

495 Regulations adopted pursuant to this section shall not apply to electrical wiring and associated
496 facilities used for the purpose of metering, generation, control, transformation, or distribution of
497 electric energy if used by and under the exclusive control of municipal electric plants, by electric
498 companies as defined in section one of chapter one hundred and sixty-four, by gas companies
499 authorized to make or sell electricity, by electric street railway companies, or by electric railroad
500 companies or by railroad companies, provided also that such facilities are within public ways, or are
501 located on property owned or leased by such companies or within areas controlled by them through
502 established rights or pursuant to regulations of or agreements recognized by the department of
503 telecommunications and energy; or to installations of communications wiring and equipment under the
504 exclusive control of companies subject to regulation by the department of telecommunications and
505 energy, and incorporated for the transmission of intelligence by electricity.

506 No person or business entity shall install any electrical wiring or equipment subject to this section
507 without making application, including payment of any fee established therefor, for an electrical permit
508 from the city or town in which the electrical installation is to be performed. The application shall be
509 filed before or within five days of commencing work. Said permit application shall be on a form
510 prepared by the board, which shall be accepted without additions or modifications by all cities and
511 towns in the commonwealth, and shall be transmitted by any of the following methods: 1)
512 electronically if acceptable to the city or town, or 2) by mail, or 3) in person, to the inspector of wires
513 appointed pursuant to the provisions of section thirty-two of chapter one hundred sixty-six, or an agent
514 thereof. A permit application so transmitted shall be considered to have been validly submitted, and
515 shall not be denied for any reason other than an incomplete application, the lack of the appropriate fee,
516 or if otherwise provided by law. Any person or business entity failing to make such application shall
517 be punished by a fine not exceeding five hundred dollars.

518 Any person or business entity installing electrical wiring subject to this section shall notify the
519 inspector of wires upon the completion of the work. Within time limits established by the board, the
520 inspector of wires shall inspect such work and thereupon give notice of his approval or disapproval of
521 said work, which may be oral or in writing. A notice of disapproval shall contain specifications of the
522 part of the work disapproved, together with a reference to the rule or regulation of the board of fire
523 prevention regulations that has been violated. Any notice of disapproval shall be made in writing
524 within five working days following a request on the part of the person installing the work, and the time
525 of service of said written notice shall be recorded in the office of the inspector of wires. The inspector
526 of wires shall have the authority to enter at any reasonable hour any building or other premises to
527 make inspection or investigation pursuant to this chapter, without being held or deemed to be guilty of
528 trespass.

529 In the case of horizontal construction as defined in section thirty two of chapter one hundred
530 sixty-six, the application for a permit for electrical work to be performed in connection with said
531 horizontal construction, and the required notification of completion of electrical work, shall be made to
532 a designee of the board of state examiners of electricians, technicians, and related occupations
533 constituted under the provisions of section thirty-two of chapter thirteen, who shall issue subject to any
534 limitations in this section the necessary permits for said electrical work, and who, as provided in said
535 section thirty-two of chapter one hundred sixty-six, shall exercise the authority of an inspector of wires
536 and shall give notice of approval or disapproval of said electrical work.

537 Notwithstanding the provisions of any general or special law to the contrary, no permit for the
538 installation of electrical wiring pursuant to this section shall be issued by any city or town to a person
539 or business entity licensed under the provisions of chapter one hundred forty-one unless the applicant
540 affirms under the pains and penalties of perjury that the electrical work will be covered by liability

541 insurance, including “completed operation” coverage, which has been issued by an insurance company
542 licensed to do business in the commonwealth, or a bond or other type of indemnity against liability
543 providing substantially equivalent coverage. Proof of said coverage shall be provided to the owner or
544 to those enforcing this section upon request. In lieu of said insurance requirement the permit issuing
545 authority shall accept the signature of the owner or his agent on the uniform application for a permit
546 for work to be performed by electricians. Any person who fails to provide the insurance required by
547 this paragraph shall be punished by a fine of not less than five hundred nor more than one thousand
548 dollars.

549 This section shall be enforced by the inspector of wires within his jurisdiction and the board of
550 state examiners of electricians, technicians, and related occupations and their designee(s). Violations
551 of this section shall additionally be grounds for administrative sanctions imposed for improper trade
552 practice as set forth in section sixty-one and section sixty-five et seq. of chapter one hundred twelve.

553 SECTION 4: {Jurisdiction over Horizontal Construction}

554 Section 32 of Chapter 166 of the General Laws, as appearing in the 2000 Official Edition is
555 hereby amended by adding the following second paragraph:

556 The board of state examiners of electricians, technicians, and related occupations constituted
557 pursuant to the provisions of section thirty-two of chapter thirteen shall provide for the appointment of
558 inspectors of wires with authority over horizontal construction, so-called. Horizontal construction as
559 the term is used herein means construction activity performed on or below the surface of the earth and
560 which extends substantially parallel to the surface of the earth, and which is an integral part of road or
561 rail transportation systems, or airport runways, including bridges and tunnels, and appurtenant
562 structures, and which are performed by designated departments of the commonwealth responsible for
563 such construction, or which are contracted by them; pursuant to section thirty nine of chapter thirty to

564 other entities. Horizontal construction does not include erection, maintenance or demolition of
565 buildings either above or below grade, which work is either performed by such designated departments
566 or is contracted by them pursuant to section forty-four A et seq. of chapter one hundred forty-nine.

567 SECTION 5: {Certification and training of inspectors of wires}

568 Chapter 166 of the General Laws, as appearing in the 2000 Official Edition is hereby amended by
569 adding the following section thirty-two B:

570 Section 32B {Certification and training of inspectors of wires}

571 Every person performing the duties of an inspector of wires appointed pursuant to section thirty-
572 two of this chapter, regardless of title and whether the position is classified as full or part-time, shall be
573 certified as qualified to act in this capacity by the board of state examiners of electricians, technicians
574 and related occupations constituted pursuant to the provisions of section thirty-two of chapter thirteen,
575 hereinafter referred to as the examiners. The examiners shall establish minimum qualifications for
576 such certification based on educational and vocational experience, including educational programs
577 approved by them and developed for this purpose, and may examine candidates for certification in
578 accordance with the provisions of section four of chapter one hundred forty-one. The examiners shall
579 provide certificates for the purpose that shall be renewable every third year without further
580 examination, upon application and payment of the established fee. The examiners shall require
581 evidence of participation in continuing education on the part of the certificate holder prior to renewal,
582 and they shall establish fees in connection with the administration of such training and certification
583 that shall be set and collected in the manner provided in section sixteen of chapter one hundred forty-
584 one.

585 The examiners shall establish rules of professional conduct and may suspend or revoke the
586 certification of any inspector who no longer qualifies for certification or who violates said rules of

587 professional conduct. The examiners may impose the penalties authorized for the discipline of persons
588 in violation of requirements for the performance of electrical work as provided in section eleven of
589 chapter one hundred forty-one.

590 SECTION 6: {Transitional provisions}

591 For a period of not less than one year nor more than two years following the effective date of this
592 act, as determined by the examiners under the provisions of section three of chapter one hundred forty-
593 one as amended hereunder, the examiners shall, without examination, upon payment of the fees
594 established under the ninth clause of the sixth section of chapter one hundred forty-one as amended
595 hereunder, issue a "Telecommunication Contractor certificate", "Telecommunication Technician
596 certificate", "Limited Contractor certificate", "Limited category certificate", or an "Apprentice
597 certificate" to any applicant who shall present satisfactory evidence that they have the qualifications
598 for the type and form of certificate applied for.

599 Commencing in the year two thousand seven, all certificates A and B shall expire on July thirty
600 first of every third year; Certificates C and D shall expire on April thirtieth of every third year; and
601 Certificates TC and TT and Certificates LC and L shall expire on January thirty first of every third
602 year.

603 Notwithstanding any provisions to the contrary, on and after such date as the department of
604 telecommunications and energy no longer regulates a telephone company, a corporate affiliate of such
605 telephone company, or a service provided by such company or corporate affiliate, the examiners shall
606 issue an appropriate certificate as provided in this chapter, to any person who is an employee of such
607 telephone company or such corporate affiliate on such date who, as a result of such deregulation, shall
608 become subject to the provisions of this chapter or any employee who after date of separation from a
609 company which utilizes a formal examination and rating process and was exempt from licensure under

610 provisions of section thirteen of this chapter and who applies for any such certificates of licensure in
611 accordance with the provisions of this chapter not later than six months after such date; provided that
612 any such employee shall not be required to pass any examination in order to qualify for any such
613 license but shall thereafter be subject to all laws, rules and regulations applicable to such licensure.

614 Notwithstanding the provisions of any general or special law, act, regulation, ordinance or by-law
615 to the contrary, all full time or part-time inspectors of wires duly appointed and in the office on the
616 effective date of this legislation and meeting the minimum requirements of section thirty two of
617 chapter one hundred sixty-six for their position shall be deemed qualified and certified in the position
618 held on said date upon satisfactory evidence of such appointment furnished to the board of state
619 examiners of electricians by a city or town clerk. Such certificate shall be renewable upon the
620 conditions established in section thirty-two B of said chapter one hundred sixty-six.