

SENATE, No. 2728

The Commonwealth of Massachusetts



IN THE YEAR OF TWO THOUSAND AND SEVEN

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.** Chapter 13 of the General Laws, as appearing in the 2006 official edition, is
2 hereby amended by striking out section 32 entirely, and inserting in place thereof the following
3 new section:-

4
5 Section 32. There shall be a board of electrical and telecommunication examiners,
6 hereinafter, called the board, which shall consist of the state fire marshal, the associate
7 commissioner for the division of occupational education in the department of education, ex
8 officio, and 10 persons to be appointed for terms of 3 years each by the governor. One of said
9 appointees shall be a representative of the public, subject to the provisions of section 9B and 1
10 shall be a local wiring inspector who is an electrician licensed under chapter 141. Eight of said
11 appointees shall be citizens of the commonwealth: 1 of whom shall be a master electrician who

12 holds a certificate A license issued under said chapter 141 and has at least 10 years experience
13 as an employing master electrician; 1 shall be a master electrician who holds certificate A and
14 certificate B licenses issued under said chapter 141, is actively engaged in such business and has
15 at least 10 years experience as an employing master electrician; 1 shall be a journeyman
16 electrician who holds a certificate B license issued under said 141, is a wage earner and has at
17 least 10 years practical experience in the installation of wires and appliances for carrying
18 electricity for light, heat or power purposes; 2 shall be a telecommunications systems contractor
19 who holds a certificate TC license issued under chapter 141A, is actively engaged in the
20 business of design, installation, alteration, service, or the testing of telecommunications systems
21 as defined in said chapter 141A as his principal business and has at least 10 years experience as
22 an employing telecommunications systems contractor; 2 shall be a telecommunications systems
23 technician who holds a certificate TT license issued under said chapter 141A, is a wage earner
24 and has at least 10 years practical experience in the installation, repair and maintenance of
25 telecommunications systems; provided however that nothing shall preclude completion of any
26 term of appointment of any certificate C license or certificate D license holder; and one shall be
27 a representative of the New England Section of the International Municipal Signal Association
28 who holds at least a level I competency certificate from said association, is a municipal
29 employee and has at least 10 years practical experience in the installation, repair and
30 maintenance of fire warning or signaling systems. The state fire marshal shall be chairman. The
31 board shall appoint an executive secretary who shall be a wage earner, a citizen of the
32 commonwealth, and a practical electrician of at least 10 years' experience in such installation.
33 The board may also appoint, subject to chapter 31, such other clerical and technical assistants as
34 may be necessary to discharge its duties under chapter 141 and 141A and shall establish their

35 duties. The members, ex officii, shall receive no compensation for their services under chapter
36 141 and 141A, but the appointive members shall each receive for their services thereunder a
37 salary of \$750. The board may expend for the salaries of the appointive members and of the
38 secretary and other employees and for necessary traveling and other expenses for themselves
39 and their employees such sums as are annually appropriated therefor.

40

41 **SECTION 2.** Section 32A of said chapter 13, as so appearing, is hereby amended by striking
42 out the first 2 sentences and inserting in place thereof the following 2 new sentences:- There
43 shall be a board of electricians and telecommunications professionals' appeals, whose
44 membership shall consist of the members of the state electrical and telecommunications
45 examiners. The chairman of the state electrical and telecommunications examiners shall be the
46 chairman of said board.

47

48 **SECTION 3.** Said section 32A of said chapter 13, as so appearing, is hereby further amended
49 by striking out the last paragraph and inserting in place thereof the following paragraph:-

50

51 The board of electrical and telecommunications examiners shall assign such clerical,
52 technical and other assistance as may be required by the board of electricians and
53 telecommunications professionals' appeals.

54

55 **SECTION 4.** Said chapter 13, as so appearing, is hereby further amended by inserting after
56 section 32A, the following new section:-

57

58 Section 32B. There shall be established a telecommunications systems policy advisory
59 committee for the purpose of advising the board of electrical and telecommunications examiners
60 on establishing criteria for state licensure and requirements or regulations governing the
61 performance of state-licensed telecommunications technicians and telecommunications
62 contractors in accordance with chapter 141A, and other pertinent subject matter. The advisory
63 committee shall be composed of 9 members: 1 shall be an electrical inspector serving a city or
64 town in the commonwealth; 1 shall be the state fire marshal, or a designee who is
65 knowledgeable in codes and regulations involving telecommunications; and 7 shall be
66 telecommunications systems professionals who have been actively engaged in the design,
67 installation, alteration, service or testing of telecommunications systems, as defined by chapter
68 141A, for at least 10 consecutive years immediately prior to appointment and who shall be
69 qualified for licensing under the provisions of chapter 141A of which: 1 of whom shall have
70 expertise in “data” as defined in chapter 141A; 1 of whom shall have expertise in “sound” as
71 defined in chapter 141A; 1 of whom shall have expertise in “telephony” as defined in chapter
72 141A; 1 of whom shall have experience in “fire warning systems” as defined in chapter 141A; 1
73 of whom shall have experience in “security systems” as defined in chapter 141A; and 1 of
74 whom shall have expertise in “video” as defined in chapter 141A. The members shall be
75 residents of the state for at least 3 consecutive years prior to appointment. The members shall
76 be appointed by the governor from a list of qualified candidates provided by industry
77 representatives. Not more than one member shall be directly employed with or by any single
78 business, firm or corporation. In establishing recommendations to the board, the advisory
79 committee shall review and consider existing education courses, including, but not limited to,
80 national industry specific certification programs meeting the curriculum requirements

81 established by the board under chapter 141. The advisory committee shall recommend to the
82 board a process by which any person or entity offering board-approved education courses shall
83 maintain board approval for the education courses and be permitted to amend the course of
84 education to maintain consistency with curriculum requirements for telecommunications
85 licensees without risk of program disapproval. The advisory committee shall recommend to the
86 board a process by which any person completing a board-approved course of education and
87 hours of practical experience qualifying for education credit and hours of practical experience
88 under chapter 141, shall be credited for applicable credit or hours as an applicant for licensure
89 under 141A. The advisory committee shall submit its recommendations to the board for
90 approval of any proposed policy, rule or regulation, except emergency rules or regulations,
91 affecting the activities of telecommunications contractor and technician licensees under chapter
92 141A. Records of the meetings of the policy advisory committee shall be open for inspection at
93 all times, and the policy advisory committee shall have printed annually a packet of their
94 proposed regulations to the board.

95

96 **SECTION 5.** Section 1 of Chapter 141 of the General Laws, as so appearing, is hereby
97 amended by inserting before the definition of “Fee” the following new definition:-

98

99 “Apprentice”, a person at least 16 years of age and registered with the state board of
100 electrical and telecommunications examiners working under the direct personal supervision of a
101 licensed journeyman electrician, licensed systems technician or telecommunications technician
102 performing work for which a journeyman license or telecommunications license is required.

103

104 **SECTION 6.** Said section 1 of said chapter 141 of the General Laws, as so appearing, is hereby
105 further amended, in line 15, by inserting after the word “security” the following:- or other
106 telecommunications.

107
108 **SECTION 7.** Said section 1 of said chapter 141, as so appearing, is hereby further amended by
109 inserting after the word “purposes”, in lines 15 and 20, in each instance, the following words:-,
110 or for the purpose of any other system as defined in this section.

111
112 **SECTION 8.** Said section 1 of said chapter 141, as so appearing, is hereby further amended, in
113 line 20, by inserting after the word “security” the following:- or other telecommunications.

114
115 **SECTION 9.** Said section 1 of said chapter 141, as so appearing, is hereby further amended by
116 inserting after the definition of “Systems technician”, the following new definition:-

117
118 "Telecommunication system", any system, including fire warning or security, involved
119 in the sending or receiving at a distance of voice, sound, data, or video transmissions. This
120 definition shall also include the placing, installing and altering of any cables or
121 telecommunications equipment on poles, in manholes, vaults, buildings, or in central switching
122 offices.

123
124 **SECTION 10.** Section 1A of said chapter 141, as so appearing, is hereby amended by striking it
125 in its entirety and inserting in place thereof the following:-

126

127 Section 1A. No person, firm, corporation or other entity shall enter into, engage in, or
128 work at the business or occupation of installing wires, conduits, apparatus, devices, fixtures, or
129 other appliances for carrying or using electricity for light, heat, power, fire warning or security
130 or other telecommunications system purposes, or for the purposes of any other system as
131 defined in this chapter, unless such person, firm, corporation or other entity shall be licensed by
132 the state electrical and telecommunications examiners in accordance with this chapter and, with
133 respect to security systems, unless such person, firm, corporation or entity shall also be licensed
134 by the commissioner of public safety in accordance with the provisions of sections 57 to 61,
135 inclusive, of chapter 147.

136 This chapter shall not apply to: a person not engaged in the business described in this
137 section who employs or contracts for the services of a person, firm, corporation or other entity
138 engaged in such business; or to an apprentice employed by a person, firm, corporation, or other
139 entity licensed in accordance with this chapter; or to an agent, employee or assistant of a person,
140 firm, corporation or other entity licensed in accordance with this chapter who does not engage
141 in or perform the actual work described in this section.

142
143 **SECTION 11.** Section 2 of said chapter 141, as so appearing, is hereby amended by striking
144 out, in line 1, the words “examiners of electricians” and inserting in place thereof the
145 following:- electrical and telecommunications examiners.

146

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

150
151 **SECTION 13.** Said section 3 of said chapter 141, as so appearing, is hereby further amended by
152 striking out, in lines 3 and 4, the words, “; certificate C, known as systems contractor’s license;
153 and certificate D, known as systems technician’s license”.

154
155 **SECTION 14.** Said section 3 of said chapter 141, as so appearing, is hereby further amended by
156 striking out subparagraphs (3) and (4).

157
158 **SECTION 15.** Said Chapter 141, as so appearing, is hereby further amended by inserting after
159 section 3 the following new section:-

160
161 Section 3A. Any person working as an apprentice to a licensed journeyman electrician,
162 or licensed systems or telecommunications technician who meets the regulations established by
163 the state board of electrical and telecommunications examiners shall be registered as an
164 apprentice with the state examiners in accordance with this chapter; provided, however, that
165 students enrolled at vocational training schools within the commonwealth who are working
166 under the direct supervision of such school’s vocational education teachers shall be exempt
167 from registration during this term of enrollment.

168

169 The state examiners shall issue the following identification cards: identification card JA
170 for apprentice electricians; and TA for telecommunications apprentice technician. The fee for
171 such certificate shall be determined in accordance with the provisions of Chapter 357 of the
172 Acts of 2002.

173

174 **SECTION 16.** Section 5 of said chapter 141, as so appearing, is hereby amended by striking out
175 the first paragraph and inserting in place thereof the following new paragraph:-

176

177 Any person, firm, corporation or other entity, or employee thereof, and any
178 representative, member or officer of such firm or corporation individually, entering upon or
179 engaging in the business and work hereinbefore defined, without having complied with this
180 chapter, shall for the first offense be punished by a fine of not less than \$100 nor more than
181 \$1,000, and for a subsequent offense by a fine of not less than \$500 nor more than \$2,500 or by
182 imprisonment in the house of correction for six months, or both.

183

184 **SECTION 17.** Section 8 of said chapter 141, as so appearing, is hereby amended by inserting
185 after the word “forty-one”, in line 20, the following words:- , 141A

186

187 **SECTION 18.** The General Laws are hereby amended by inserting after chapter 141 the
188 following new chapter:-

189

190

CHAPTER 141A

191

192 SUPERVISION OF TELECOMMUNICATIONS PROFESSIONALS

193

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

196

197 “Board”, the licensing authority known as the board of electrical and
198 telecommunications examiners.

199

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

202

203 “Design”, the act of creating a document, either manually or electronically, that defines
204 the layout, placement or configuration of telecommunications infrastructure components or 1 or
205 more physical topologies; trunking or 1 or more distribution routings or their material
206 components; telecommunication outlet locations or their material components;
207 telecommunication closet locations or their material components for the purpose of defining
208 telecommunications work within this chapter. This definition does not include information
209 shared with a customer in the ordinary course of business by a salesperson or other agent
210 consistent with section 81R of chapter 112 or the recording of changes to a design that reflects
211 field changes made during installation of the telecommunications detailed in the said document.

212

213 "Fire warning system", an inherently power limited system of wires, conduits, apparatus,
214 devices, fixtures or other appliances installed and interconnected electrically or electronically

215 for the detection of heat, smoke, or products of combustion, or for the transmission of signals or
216 audible alarms.

217

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

221

222 "Security system", an inherently power limited system of wires, conduits, apparatus,
223 devices, fixtures, or other appliances installed and interconnected electrically or electronically to
224 permit access control, proprietary signaling, surveillance and the detection of burglary,
225 intrusion, holdup, or other conditions requiring response or the transmission of signals or
226 audible alarms.

227

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

231

232 “Telecommunications Apprentice or Trainee”, a worker 16 years of age who is
233 employed to learn a skilled trade by fulfilling the requirements defined in section 11H of
234 chapter 23. Companies that are regulated by the department of public utilities or department of
235 telecommunications and cable and utilize a formal examination and rating process as defined
236 within a collective bargaining agreement, are exempt from the training requirements of section
237 11H of chapter 23.

238

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

241

242 "Telecommunication system", any system, including fire warning or security, involved
243 in the sending or receiving at a distance of voice, sound, data, or video transmissions. This
244 definition shall also include the placing, installing and altering of any cables or
245 telecommunications equipment on poles, in manholes, vaults, buildings, or in central switching
246 offices.

247

248 "Telecommunications Contractor", a person, firm, corporation, entity or partnership
249 who, by the employment of licensed telecommunications technicians or apprentices performs
250 the work of telecommunications in accordance with the provisions of this chapter.

251

252 "Telecommunications Technician", an individual whose primary occupation is the
253 design or integration, installation and field maintenance or service of fire warning, security, or
254 other inherently powered limited systems; cabling infrastructure and products that transport
255 voice, video, audio, sound, and data signals in a commercial or residential premises; products
256 that capture and display or otherwise annunciate signals; products that control signals; and
257 products that use signals to control mechanical and electrical apparatus who is qualified to
258 engage in telecommunications work as attested by his or her licensing as a telecommunications
259 technician in this state.

260

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

263

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

266

267 Section 2. (a) Except as provided for in paragraph (b), a license shall be issued to any
268 person who has passed the examination and meets all requirements provided for within this
269 chapter for any telecommunications license described herein. The following forms of license
270 shall be issued: certificate TC, known as telecommunications contractor license; and certificate
271 TT, known as telecommunications technician license.

272

273 (1) Certificate TC shall be issued to any person qualified under this chapter representing
274 themselves, individually, or a firm, corporation or entity engaging in or about to engage in, the
275 business of designing, installing, altering, or servicing telecommunication systems.

276 Qualification shall be evidenced by passing the examination for both of the 2 licenses described
277 in this section, and applicants who hold an equivalent out of state license, as determined by the
278 board, issued by another state shall be allowed to take the certificate TC license examination.

279 Applicants for the certificate TC license who hold no equivalent form of certificate TC license
280 issued in another state but show proof of at least 3 years of verifiable and continuous
281 contracting experience will be allowed to take the certificate TC license examination.

282 Applicants who do not meet these qualifications shall have held a certificate TT license for at
283 least 3 years immediately preceding the date of application, together with 75 hours in business

284 related courses or proof of equivalent knowledge base for contractors in the relevant laws, codes
285 and regulations of the commonwealth in order to qualify to take the TC examination.

286

287 (2) Certificate TT shall be issued to any person who has passed the examination as
288 defined within this chapter. The holding of a certificate TT license shall entitle the holder
289 individually to engage in the occupation of telecommunications technician and perform
290 telecommunications work as described in this chapter.

291

292 (b) Persons who hold a valid certificate C or D license issued under chapter 141 shall,
293 notwithstanding the provisions of this chapter and without further examination, certification,
294 registration or fee be granted a respective certificate TC or TT license that meets all
295 requirements provided for within this chapter upon expiration and surrender of said certificate C
296 or D to the board.

297

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

299

300 (a) The work and equipment employed in connection with the operation of signals, or
301 the transmission of intelligence, and performed by an employee of a municipality, state agency,
302 or where that work and equipment is an integral part of the communication system owned and
303 operated by a municipality, state agency and not in contact with the general public or providing
304 the general public with these services;

305

306 (b) Companies and the employees of companies who are regulated by the department of
307 telecommunications and cable or the department of public utilities; and

308

309 (c) municipal lighting plants and their employees.

310

311 This chapter shall not forbid the work of any person who holds a registration as a
312 professional engineer or RCDD in the commonwealth in the performance of their normal duties.

313

314 Section 4. (a) The board shall issue certificates to individuals who have qualified to
315 engage in telecommunications work under the provisions of this chapter. Upon review of the
316 recommendations of the telecommunications systems policy advisory committee, established
317 under section 32B of chapter 13, the board may establish such rules and regulation for the
318 issuance and renewal of certificates as it deems appropriate.

319

320 (b) The board shall have the power to suspend, revoke or annul certificates in
321 accordance with the provisions of this chapter. In all disciplinary proceedings brought pursuant
322 to this chapter, the board shall have the power to administer oaths, to summon witnesses, and to
323 compel the production of documents in accordance with the procedures applicable in the
324 superior court. Upon failure of any person to appear or produce documents in accordance with
325 the boards' order, the board may apply to a court of any jurisdiction to enforce compliance.

326

327 Section 5. (a) Except as provided in section 6, no person, firm, corporation or other
328 entity shall provide or offer to install, alter, test or service telecommunications in the

329 commonwealth or use any title, sign, card or device implying that the person, firm, corporation
330 or other entity is qualified to provide said services unless said person, firm, corporation or other
331 entity is the beneficial holder of a currently valid license issued pursuant to this chapter and,
332 with respect to security systems, unless such person, firm, corporation or other entity shall also
333 be licensed by the commissioner of public safety in accordance with the provisions of sections
334 57 to 61, inclusive, of chapter 147.

335 This chapter shall not apply to: a person not engaged in the business described in this
336 section who employs or contracts for the services of a person, firm, corporation or other entity
337 engaged in such business; or to an apprentice employed by a person, firm or corporation
338 licensed in accordance with this chapter; or to an agent, employee or assistant of a person, firm,
339 corporation or other entity licensed in accordance with this chapter who does not engage in or
340 perform the actual work described in this section.

341 (b) Any person, partnership, corporation or other entity which violates paragraph (a)
342 shall be guilty of a misdemeanor and upon conviction by a court of competent jurisdiction shall
343 be sentenced to pay a fine of not more than \$500 for the first offense, and a fine of not less than
344 \$500 nor more than \$1,000 for each subsequent offense or imprisonment for not more than 1
345 year or both.

346

347 (c) The board shall have the power to institute injunction proceedings in superior court
348 to prevent violations of paragraph (a).

349

350 Section 6. No holder of a valid certificate C or D license, under chapter 141, shall be
351 liable for prosecution for installing, altering, testing or servicing telecommunication systems for
352 which a license is required under this chapter before the holder's next scheduled license
353 renewal.

354

355 Section 7. (a) Applications for certificate TC and TT licenses required by the provisions
356 of this chapter shall be filed with the board. If the applicant is an individual the application
357 shall be subscribed and sworn to by such individual. If the applicant is a firm, corporation or
358 other entity, the application shall be subscribed and sworn to by an owner in the case of a firm,
359 and by at least 1 general partner in the case of a partnership, and by a corporate officer in the
360 case of a corporation. If the applicant is an individual and does not reside, operate a
361 telecommunications contracting business or is not employed within the commonwealth, or if in
362 the event the applicant is a firm, partnership, corporation or other entity and no owner or general
363 partner or corporate officer resides or is employed within the commonwealth, then the
364 application must also be subscribed and sworn to by an individual having the authority and the
365 responsibility for the management and operations of the business within the commonwealth.

366

367 (b) If the applicant is a corporation, the application shall specify the date and place of its
368 incorporation, the location of the applicant's principal place of business, a list of the principal
369 officers of the corporation, owners of 25 per cent or more of outstanding stock of all classes of
370 the corporation, and the business address, residence address and the office or position held by
371 each such officer in the corporation.

372

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

375
376 (1) The individual's full name and address (business and residence);

377
378 (2) The individual's business and residence telephone number;

379
380 (3) The individual's date and place of birth;

381
382 (4) A head and shoulders photograph (passport photo) taken within three months prior to
383 the date of the submission of the application;

384
385 (5) The name and address of the individual's relevant past and present employment;
386 name, address, and telephone number of supervisor and the length of time engaged therein;

387
388 (6) Evidence of experience as required by subsection (g) of this section.

389
390 (d) Applicants for certificate TC license shall include the following information
391 concerning the applicant:

392
393 (1) The name, address and telephone number of the business;

394

395 (2) A sworn statement as to the length of time that the applicant has been engaged in the
396 telecommunications business.

397

398 (3) Evidence of experience based upon proof of valid certificate C or certificate D
399 licensure, under chapter 141, or as required by subsection (g) of this section.

400

401 (e) The board may require that the application include any other information which the
402 licensing board may reasonably deem necessary to determine whether the applicant or
403 individual signing the application meets the requirements of this chapter or to establish the truth
404 of the facts set forth in the application.

405

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

407

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

409

410 (1) Complete forms as approved by the board with employment verified by the qualified
411 employer and signed under any of the penalties set forth for making false statements as evidence
412 of experience.

413

414 (2) A valid license issued under any provision of this chapter by the board.

415

416 (3) Documentary evidence of experience while serving with the armed forces of the
417 United States indicating formal training, job classification, job description, length of job

418 assignment and such other evidence as may reasonably be required by the board in order to
419 determine suitability.

420

421 (4) Anyone having evidence of experience other than as outlined above may submit such
422 to the board for consideration for approval.

423

424 Section 8. (a) The board shall establish suitable rules and regulations for the examination
425 and licensing of telecommunications technicians and contractors and also governing the practice
426 of telecommunications systems. This shall not include any prohibition of employment of a
427 properly licensed telecommunication technician or contractor.

428

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

431

432 (c) The board shall establish such rules and regulations for the examination of applicants
433 so as to assure the technical skill of the applicant as defined within this chapter as it deems
434 appropriate.

435

436 (d) Examination papers and applications for certificate TC or certificate TT, shall be
437 preserved for at least 2 years, after which time they may, at the discretion of the board, be
438 destroyed.

439

440 Section 9. (a) Any person qualified to obtain a certificate TC or certificate TT license
441 who is prevented from making application wherefore by reason of service in the armed forces of
442 the United States shall have 6 months after discharge or release from active duty to make such
443 application.

444

445 (b) On and after such date as the department of telecommunications and cable no longer
446 regulates a telephone company, a corporate affiliate of such telephone company, or a service
447 provided by such company or corporate affiliate, the board shall issue an appropriate license as
448 provided in this chapter, to any person who is an employee for at least 2 years serving as a
449 technician of such telephone company or such corporate affiliate on such date who, as a result
450 of such deregulation, shall become subject to the provisions of this chapter or any employee
451 who after date of separation from a company which utilizes a formal examination and rating
452 process and was exempt from licensure under provisions of this chapter and who applies for any
453 such licenses in accordance with the provisions of this chapter not later than 6 months after such
454 date, provided any such employee shall not be required to pass any examination in order to
455 qualify for any such license but shall thereafter be subject to all laws, rules and regulations of
456 the board applicable to such licensure.

457

458 Section 10. (a) Application for renewal of a license must be received by the board no
459 less than 30 days prior to the expiration date of the license, and may be renewed by the same
460 person, firm, corporation, or other entity acting by one or more of its members or officers,
461 without further examination, upon payment of a fee, application thereof being made during said
462 month and subject to the right of the board to permit late filing upon good cause shown.

463

464 (b) The licensing authority may refuse to renew a license for cause set forth in section 14
465 of this chapter and it shall promptly notify the licensee of its intent to refuse to renew the
466 license. The licensee may, within 15 days after receipt of the notice of intent to refuse to renew
467 a license, request a hearing on that refusal in the manner prescribed in chapter 30A. A licensee
468 shall be permitted to continue to engage in the business permitted by such license while its
469 renewal application is pending.

470

471 (c) Every certificate shall expire on July 31st with a triennial renewal frequency (3
472 years). A person, firm, corporation, or other entity may renew his license by payment of the
473 renewal fee required. A person, firm, corporation, or other entity who fails to renew his license
474 prior to said date may not thereafter renew his license except upon payment of the renewal fee
475 and the additional fee required by this chapter; provided however, that such renewal license
476 shall not constitute its holder a licensee for any period preceding its issue.

477

478

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

482

483 (b) Each certificate shall contain the name of the individual to whom it was issued and
484 his form of license, address, serial number and expiration date.

485

486 (c) Each individual identification card shall contain the name of the individual to whom
487 it was issued, a head and shoulders picture (passport type) taken within 3 months prior to the
488 date of issuance of the identification card, type of apprentice classification (JA, TA).

489

490 (d) Holders of certificate TC shall keep their certificates of registration displayed in a
491 conspicuous place in their principal offices or places of business. The board shall furnish
492 holders of certificate TT with evidence of having been so licensed by the board in card form or
493 otherwise, which shall be carried on the person of the licensee and exhibited on request.

494

495 (e) A duplicate certificate or identification card to replace one that has been lost,
496 destroyed or mutilated may be issued by the board upon payment of the fee required by this
497 chapter.

498

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

503

504 (b) All fees or other moneys collected under the provisions of this chapter shall be paid
505 to and received by the treasurer of the commonwealth who shall keep those moneys in a
506 separate fund administered by the director of the office of consumer affairs and business
507 regulation. All fees paid into the fund shall be used to reimburse the board for expenses incurred
508 in the administration and enforcement of this chapter. The controller is authorized and directed

509 to draw his orders upon the treasurer of the commonwealth for payment from the fund, upon
510 receipt by the controller of vouchers authenticated by the chairman or secretary of the board.

511

512 Section 13. (a) All administrative procedures in this chapter shall be consistent with
513 those of chapter 141. The secretary of the board shall keep a record of its proceedings. The
514 record shall include the name, age, and last known address of each applicant for registration,
515 information concerning each applicant's education, experience and other qualifications, the text
516 of all examinations administered and the results thereof and such other information as the board
517 deems appropriate. The record of the board shall be prima facie evidence of the proceedings
518 and a certified transcript by the secretary shall be admissible in evidence with the same force
519 and effect as if the original were produced.

520

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

524

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

528

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

531

532 1. Bribery, fraud, or misrepresentation in obtaining a license.

533

534 2. Performing or engaging in the installation, alteration, service, or testing of
535 telecommunications in another state or country in violation of the laws of that state or country.

536

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

540

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

543

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

545

546 (b) The director of the office of consumer affairs, division of professional licensure shall
547 be authorized to provide assistance to the board in the normal day-to-day enforcement and
548 administration of this chapter. Such assistance shall be in accordance with sections entitled
549 "Administration" and "Enforcement" of the by-laws of the board. All administrative guidance
550 to the board shall be consistent with chapter 30A.

551

552 (c) Any person may refer charges against an applicant or licensee under subsection (a) of
553 this section by submitting a written statement of charges, sworn to by the complainant with the
554 secretary of the board. In addition, the board may, on its own motive, investigate the conduct of

555 an applicant or licensee, and shall, in appropriate cases, file a written statement of charges with
556 the secretary. The board shall hear and determine all charges within three months after the date
557 on which the secretary received the statement of charges. The board shall fix the time and place
558 of the hearing. The applicant or licensee charged shall be entitled to be represented by counsel.
559 Any member of the board may administer oaths and conduct examinations. If, after hearing, a
560 majority of the board shall find the accused applicant or licensee guilty of the charges, or any
561 one of the charges, it may refuse to issue a license to the accused applicant, or it may revoke or
562 suspend the license of the accused licensee.

563

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

566

567 (e) Either the complainant or respondent in any enforcement action brought before the
568 board may appeal the ruling of the board to the division of administrative law appeals. The
569 director may, for just cause, return the matter to the board for reconsideration. Enforcement
570 action on this matter will be suspended during this appeal process. Any appeal brought under
571 this provision must be made to the division of administrative law appeals within 30 calendar
572 days from the date of the original ruling of the board. Said appeal must be acted upon by the
573 division of administrative law appeals within 30 calendar days from receipt. The board shall
574 return a determination of the reconsideration within 60 calendar days from the date of return
575 from the division of administrative law appeals. There shall be right to appeal of the
576 reconsideration, should either party choose, through the courts.

577

578 (f) The attorney general or his designee shall act as legal advisor to the board and shall
579 render such legal assistance as may be necessary in carrying out the provisions of this chapter.
580 The board may employ counsel and other necessary assistance to be appointed by the governor
581 to aid in the enforcement of this chapter, and the compensation and expenses therefore shall be
582 paid from the fund of the board.

583

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

587

588 **SECTION 19.** No apprentice in a telecommunications program, electrician's program, or Fire
589 Warning or Security Systems program that is registered and complies with sections 11E through
590 11W of chapter 23 shall be deprived of any credits, hours, or other quantifiable credentials as a
591 result of the passage of this act. The board of electrical and telecommunication examiners, in
592 consultation with the telecommunications systems policy advisory committee, shall move to
593 accept all verifiable hours, credits or other credentials earned in any approved training or
594 apprentice program.

595

596 **SECTION 20.** (a) For the first 12 months following the effective passage of this Act no person
597 shall be liable for prosecution for installing, altering, testing or servicing telecommunications
598 systems as defined by chapter 141A for which a license is required under chapter 141A if the
599 work is not subject to certificate C or D license work under chapter 141.

600

601 **SECTION 21.** After the effective date of this Act, and for not less than 1 year nor more than 2
602 years at the discretion of the board of electrical and telecommunication examiners following
603 effective date of passage of provisions of this Act, the board shall, without examination, issue a
604 certificate TC or certificate TT license, established under section 141A, to any applicant who
605 shall present satisfactory evidence that he has the qualifications for the type of license applied
606 for. Should the board reject the applicant's qualifications for fire warning or security system
607 recognition, the applicant shall retain the right to take the test for the fire warning and security
608 system qualification within a reasonable period of time. The requirements and procedure for the
609 issuance of such licenses shall be determined by the board as board policy and shall be set forth
610 in written form.

611

612 **SECTION 22.** Not more than 6 months after the effective date of this Act, the board of
613 electrical and telecommunication examiners shall notify all certificate C and D licensees of the
614 provisions contained in the Act that apply to the telecommunication systems trade. The board
615 shall notify all certificate C and D licensees of the time period in which the grandfathering
616 provisions of the law will prevail and also, inform all certificate C and D licensees of the
617 proposed end date of the certificate C and D license validity; provided that the date shall not
618 exceed 5 years from the effective date of this Act.