

237 CMR 16.00: ~~Licenses~~Business and Other License procedures

Section

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16.01: License Renewal

(1) ~~Class A, B, C and D Licenses~~General Requirement.

Individual holders of a ~~Class A (Master Electrician), B (Journeyman Electrician), C (Systems Contractor), or D (Systems Technician)~~ license shall submit to the Board by the established deadline a license renewal application form completed and signed by the individual license holder, along with appropriate evidence of completion of all required continuing education.

(2) Fees for License Renewal.

Renewal application forms shall be accompanied by the appropriate renewal fee.

(3) Renewal of Expired Licenses.

A license holder who fails to renew by the renewal deadline ~~may apply for such renewal and shall pay~~must meet the ~~required renewal fee and requirements of 237 CMR 17.00 along with filing~~ any required ~~additional applications and fees~~: prior to being permitted to renew their licenses.

(4) Active Military ~~and Naval Service.~~

~~A license holder whose license expires while the holder is in military or naval service of the United States shall have such license renewed without further examination upon payment of the required renewal fee at any time within four months of such holder's official discharge from the service.~~

Expiration and renewal of licenses of those who are active in the military shall be managed in accordance with M.G.L. c. 112, §1B.

16.02: Changes in License Information

- (1) A license holder shall within ten days of a change of name and/or mailing or legal address notify the Board in writing of such change.
- (2) In the case of a name change, the Board shall issue a new license in the new name upon receipt of the appropriate form available from the Board, the surrender of the original license, and payment of the required fee.

16.03: ~~Corporate Licenses~~Business Entities

16.04: ~~Partnership~~(1)Licenses Required.

- ~~(1) Initial licensure. Applicants for a Partnership license shall provide to the Board satisfactory proof of the following information:~~
 - ~~(a) that one of the members of the partnership is a Master electrician or System Contractor licensed by the Board;~~
 - ~~(b) a copy of the Partnership Agreement; and~~
 - ~~(c) a fully completed Partnership Agreement Form provided by the Board signed by both partners.~~

16.05a. Per M.G.L. c. 141, §3, Certificates A and C shall be issued to any “person, firm, or corporation” engaged in electrical or systems work. For purposes of said law and these regulations, “firms” and “corporations” shall be hereinafter referred to as “business entities” and shall include corporations, partnerships, limited liability companies, or other forms of business entities regulated by the Massachusetts Secretary of State. Business entities shall not be deemed to include a licensee conducting business in his or her real name or a master electrician, or systems contractor, practicing via a business certificate issued pursuant to M.G.L. c. 110, §5 when in compliance with the name requirements of 237 CMR 18.00.

- b. All business entities engaged in electrical or systems work for which a license is required shall maintain a license in the name of the business entity. However, any business entity in good standing, that was previously approved by the Board to practice in conjunction with a master electrician or systems contractor, does not need to obtain a business license until [DATE 1 YEAR FROM DATE OF REGULATIONS] after which time the Board shall issue licenses in the name of said business entities.
- c. This section shall not be deemed to expand or restrict the requirements for licensure contained in M.G.L. c. 141, §§1 to 10.

(2) Applications.

a. All applications submitted by a business entity must meet the following general criteria to obtain a license:

1. Submission of a properly completed application in the manner prescribed by the Board, attested to under the pains and penalties of perjury by a master electrician or systems contractor, as the case may be, who will be the licensee of record responsible for the business entity's compliance to the laws and regulations in accordance with 237 CMR 12.00 to 22.00 and M.G.L. c. 141, and accompanied by such other information that the Board may require;
2. All principals of the business entity shall be of good moral character as determined by the Board; and
3. Applicants for licensure must pay the non-refundable fee as established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, s. 3B and 801 CMR 4:00: Rates.

b. Corporations

Applications for a business entity practicing as a corporation must include the following:

1. a signed and stamped copy of the Articles of Organization. Out of State Corporations must provide a signed and stamped copy of the filed Foreign Corporation Certificate or such other document as required by the Massachusetts Secretary of State;
2. a list of all officers of such corporation which includes the licensee of record, certified by the clerk of the corporation as a true copy of its records; and
3. -a copy of the bylaws or if applicable agreement naming the licensee of record and his or her responsibilities.

c. Limited Liability Companies (LLC's)

Applications for a business entity practicing as an LLC must include the following:

1. a signed and stamped copy of the Certificate of Organization. Out-of-State LLC's must provide a signed and stamped copy of the filed Foreign LLC Certificate or such other document as required by the Massachusetts Secretary of State;
2. a list of all managers of such LLC which includes the licensee of record, certified by the clerk of the LLC as a true copy of its records;

3. a fully completed LLC Agreement Form listing the licensee of record with his or her responsibilities; and

4. a copy of the Operating Agreement, if applicable.

d. General Partnerships, Limited Partnerships, and Limited Liability Partnerships (LLP's)

Applications for a business entity practicing as any kind of partnership must include the following:

1. a fully completed Partnership Agreement Form obtained from the Board and signed by all partners listing the licensee of record with his or her responsibilities;

2. ~~i~~In the case of a general partnership, a notarized written agreement signed by all partners creating the general partnership; and

3. ~~i~~In the case of a Limited Partnership or LLP, a signed and stamped copy of the partnership certificate filed with the Massachusetts Secretary of State.

e. A licensed master electrician or systems contractor may serve as licensee of record for more than one business entity. However, said licensee shall be required to produce evidence satisfactory to the Board that he/she is capable of ensuring each business entity he/she is affiliated with is fully compliant with the laws, rules, and regulations enforced by the Board.

(3) Routine changes and expiration of the licensee of record's license

a. Notification of withdrawal to the Board

To withdraw as the licensee of record from a business entity, a licensee must notify the Board via a Board approved form. A licensee of record will be responsible for the practice of their affiliated business entity until this form is filed with the Board. The ~~effective date~~effective date of withdrawal shall be the date the Board receives this form.

b. Expiration of the License of the Licensee of Record

In the event the licensee of record's license expires, the expiration date shall be considered the equivalent of the date of withdrawal of the licensee of record from the business entity.

c. Operation of the business entity prior to Board approval of a new licensee of record

A business entity may continue engaging in the electrical or systems business after the withdrawal of its licensee of record for up to 60 calendar days provided it meets the following requirements:

1. Application required within 15 days

The Board must receive a new application to operate a business entity from a licensed master electrician or systems contractor, if applicable, within fifteen (15) calendar days of the date of withdrawal of the licensee of record. Unless the Board has granted an extension per 237 CMR 16.03(7), any practice beyond this date without a new application shall be deemed unlicensed practice.

2. Practice while application is pending

After the Board receives a new application per paragraph 1, the business entity may continue to operate while the application is pending. Unless the Board has granted an extension per 237 CMR 16.03(7), the business entity may not provide electrical or systems services beyond 60 calendar days from the date the licensee of record withdraws or the date the Board denies the application for a new licensee of record, whichever comes first.

3. Employees of the business entity must be licensed

All individuals performing electrical or systems work for a business entity must be validly licensed (other than duly employed and supervised apprentices),

4. Failure to comply with deadlines

A business entity may not engage in the electrical or systems industry and shall be considered unlicensed after the expiration of the deadlines provided in this section.

(4) Death of the licensee of record

a. Notification to the Board

In the event its licensee of record dies, a business entity must notify the Board in writing of said death within fifteen (15) calendar days.

b. Operation of a business entity prior to Board approval of a new licensee of record.

Provided that the Board has been notified of the death per 237 CMR 16.03(4), a business entity may continue operating in the electrical or systems business after the death of its licensee of record for up to 60 calendar days from the date of the death of the licensee of record provided it meets the following requirements:

1. Employees of the business entity must be licensed

All individuals performing electrical or systems work for the business entity must be validly licensed (other than duly employed and supervised apprentices),

2. Cessation of business

A business entity which has lost its licensee of record due to death may continue practicing for a maximum of sixty (60) calendar days from the date of death regardless of whether it intends to replace its licensee of record. No application for a new licensee of record need be filed if all business activities are concluded within this sixty day period.

3. Continued operation of the business

A business entity whose licensee of record has died and intends to continue operating into the future, may continue practicing for a maximum of sixty (60) calendar days from the date of death without a new licensee of record. However, said business entity must take reasonable steps to obtain a new licensee of record. If said business entity is unable to obtain a new licensee of record prior to the expiration of the sixty (60) day period, it may only continue practice with Board approval after good cause is shown. The business entity is responsible for obtaining Board approval of a new licensee of record or an extension prior to the expiration of the sixty (60) day window.

4. Failure to comply with deadlines

A business entity may not engage in the electrical or systems industry and shall be considered unlicensed after the expiration of the deadlines provided in this section.

(5) Disciplinary actions

a. Notice of a disciplinary action against a business entity shall be satisfied by providing notice to the licensee of record.

b. Discipline applies to both licensee of record and business entity.

Should the Board find cause to commence a disciplinary proceeding against a licensee of record, said proceeding shall also be taken against the license of the business entity unless waived by the Board. Notwithstanding this provision, a licensed business entity may petition the Board for a separate disciplinary action apart from the licensee of record for good cause shown. Disciplinary action against either a business entity or licensee of

record may be grounds for the Board to deny future licensure applications as it may deem necessary for the protection of the public's health, safety, and welfare.

b. Loss of licensure by the Licensee of record.

1. Business must cease immediately.

Unless waived by the Board, if the licensee of record's personal license is suspended or revoked, the business entity shall not operate in the electrical or systems industry in any capacity until such time as the suspension or revocation is removed or a transfer of the business entity's license is granted by the Board by application of a new licensee of record.

2. Conditions for new licensees of record

The Board may restrict or place conditions on anyone seeking approval from the Board to replace a licensee of record who is unable to practice due to disciplinary reasons.

(6) Permits and inspections while a business entity has no licensee of record

a. Outstanding permits for completed jobs

A licensee of record withdrawing from a business entity shall make every reasonable effort to ensure all jobs completed prior to the date of withdrawal have obtained final inspections. If the licensee of record has passed away, licensed employees acting on behalf of the business entity must obtain final inspections of all jobs as a condition of future licensure.

b. Outstanding permits for incomplete jobs

The business entity may only complete work on incomplete jobs if it is operating pursuant to the provisions of these regulations. During this period, a licensed employee of the business entity may seek final inspections on behalf of the business entity.

c. New permits

A business entity that is permitted to operate without a licensee of record pursuant to these regulations may have a single designated licensed employee submit new applications to perform electrical or systems work on behalf of the business entity pursuant to M.G.L. c. 143, §3L if the business entity does the following:

1. provides documentation to any Inspectors that they have notified the Board of the change as well as that it has met the requirements of this section;

2. continues to have valid liability insurance coverage required by M.G.L. c. 141, §8;
3. places the business entity's license number on any permits, the license number of the previous licensee of record may not be utilized; and
4. meets all other requirements set out by these regulations.

d. Responsibility of new licensees of record.

Once a new master electrician or systems contractor has been approved by the Board to become licensee of record for a business entity, that master electrician or systems contractor must notify the Inspector in each city or town where the business entity has existing open permits of the change in writing within five business days, and must assume responsibility for the existing permits taken out by the entity, along with meeting other such requirements set out by the Inspector.

(7) Extensions

The Board may extend any time requirements in this section for good cause shown. Only extensions in writing shall be deemed to have been granted.

16.04: Duplicate Licenses

The Board shall issue a duplicate license upon submission of satisfactory evidence by the licensee that the original license has been lost or destroyed and upon receipt by the Board of the appropriate form and payment of the required fee.

16.0605: Record of Standing

The Board shall issue a Record of Standing stating the licensee's name, address, license number, license expiration date, and license status to any licensee making such a request upon payment of the required fee.

16.0706: Transfer ~~and~~, Assignment and return of licenses

Licenses issued by the Board shall not be transferred or assigned. Unless otherwise specified in a consent agreement or final decisions and orders, Licensees who have been suspended or revoked must physically return any licenses issued by the Board which, due to their expiration date, appear current.