

271 CMR: BOARD OF EXAMINERS OF SHEET METAL WORKERS

271 CMR 7.00: BUSINESS LICENSURE

Section

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All entities that have Sheet Metal Worker employees are require to maintain a business license with the exception that a business employing one or more sheet metal workers shall not be required to hold a license if the only work of the sheet metal worker is for the premises owned or operated by the business.

7.01: Licensure

(1) Applications. Applicants for Sheet Metal Business (Class B) licenses shall meet the following criteria for licensure:

(a) submission of an application completely and properly filled out in the manner prescribed by the Board, attested to under the pains and penalties of perjury by a principal of the entity, and accompanied by such other information that the Board may require.

NOTE: Incomplete applications will be retained for 180 days;

(b) all principals of the entity shall be of good moral character as described in 271 CMR 3.04;

(c) the entity shall be properly constituted and chartered business organization recognized by the Secretary of the Commonwealth, such as a partnership or limited partnership (LP) or limited liability partnership (LLP), limited liability company (LLC), corporation or professional corporation (PC), or other recognized entity;

1. All partners in a partnership or LLP shall possess current Master Sheet Metal Worker licenses.

2. Each corporation shall have at least one Master Sheet Metal Worker as a corporate officer, and the corporation shall designate a Master Sheet Metal Worker as its Responsible Craftsman.

3. Each LLC must designate a Master Sheet Metal Worker as the manager; that individual will be the "Responsible Craftsman".

(d) payment of the non-refundable fee as established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B.

7.02: Procedures for Renewal of a License and Renewal of a Lapsed/Expired License

(1) Requirements for Renewal of a License.

(a) Business entities must renew their licenses every two years. Each license originally issued to a business shall be valid for 24 months from the date of issue. Each subsequent two-year renewal shall be on the anniversary of that date.

(b) The Responsible Craftsman of a licensed business must submit to the Board, or its agent, a completed written or electronic renewal application and the required fees prior to the expiration date of the license.

(2) Procedures for Renewal of a Lapsed/Expired License.

(a) If a business fails to meet the requirements for license renewal as set forth in 271 CMR 7.02(1), the license shall be considered expired and not in good standing. A business with an expired license shall not be permitted to engage in sheet metal work business, advertise sheet metal work, make application or maintain permits for sheet metal work, or make bids on future sheet metal work projects.

(b) If a formerly licensed business requests that an expired license be reinstated within two years of the date of expiration, that business must pay the fee for the current licensure period and one late fee. The business and associated sheet metal workers also may be subject to denial of licensure and other disciplinary action for unlicensed practice if they have engaged in sheet metal work practice without a license.

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7.02: continued

(c) If a formerly licensed business requests that an expired license be reinstated between two and four years from the date of expiration, that business must pay all intervening renewal fees, the fee for the current licensure period, and one late fee. The business also may be subject to disciplinary action for unlicensed practice, if it has engaged in sheet metal work practice without a license.

(d) If an expired business license is not renewed within four years of the date of expiration, the business must apply for license re-issuance. The license will only be reissued if the applicant meets all of the Board's statutory and regulatory licensure requirements in existence at the time of re-application, pays all application fees in accordance with the procedures identified in 271 CMR 7.01.

7.03: Procedures for Reinstatement of a License Which Has Been Revoked, Suspended, Surrendered, or Placed on Probation

The procedures for reinstatement of a license after that license has been revoked, suspended, surrendered, or placed on probation shall be determined by the guidelines established by the Board or, in specific matters, by consent agreement, or by decision and order of the Board. In all cases, unless there is specific language to the contrary in the documentation of the action taken, the Responsible Craftsman of the business shall be required to petition the Board, in writing, for a change in license status. At the discretion of the Board, a personal appearance by the Responsible Craftsman and the business principals may be required.

7.04: Responsible Craftsman

(1) Issuance. The license for a business shall be issued in care of the licensed Master Sheet Metal Worker designated as the Responsible Craftsman.

(2) Responsibilities. The Responsible Craftsman shall be personally responsible for the activities of the business and ensure that:

(a) all sheet metal work performed by the business is accomplished by individuals with valid, current licenses;

(b) all employees comply with the ethical and practice standards of 271 CMR 5.00: *Code of Professional Ethics and Standards of Professional Practice*;

(c) all required local and Commonwealth permits are appropriately obtained and requirements are met;

(d) all apprenticeship on-the-job training is conducted appropriately, and apprentice records are maintained for ten years;

NOTE: In the event that the business ceases operation, reorganizes, or changes location, the Responsible Craftsman shall make every effort to inform former Apprentices of the new location of their records.

(e) the Board receives notification of any change to the location, mailing address, legal structure, ownership, or principals of the business, and

(f) the Board is notified if the business ceases to operate.

7.05: Changes

(1) Address. Businesses shall notify the Board within 30 days of any change in the mailing address or physical location.

(2) Change of Name. Businesses shall advertise and operate only under the name on file with the Board. With the approval of the Board, a business may change its name.

(3) Change of Legal Structure. In most cases, an alteration in the legal structure of a business shall necessitate a new license. The new license will only be issued if the applicant meets all of the Board's statutory and regulatory licensure requirements in existence at the time of re-application and pays all fees in accordance with the procedures identified in 271 CMR 7.01.

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(4) Change in Craftsman of Record. Businesses shall notify the Board within 60 days of any change in the Craftsman of Record. After this period, if there is no available Master Sheet Metal Worker willing to become craftsman of record, the business must cease sheet metal work operations, bidding, and permitting. (Exception: If Journeyperson Sheet Metal Workers are engaged in safety-related activities, those activities may continue until safety is assured). The Board may, in its discretion, allow additional time to replace a craftsman of record upon written request.

REGULATORY AUTHORITY

271 CMR 7.00: M.G.L. c. 112, §§ 237 through 251.