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ANTHONY P. CAPUTO
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MEMORANDUM

TO: Interested Person

FROM: Board of Fire Prevention Regulations

DATE: February 1, 2024

RE: Application for Permit to Perform Electrical Work

This memorandum is issued by the Board of Fire Prevention Regulations ("BFPR") and is intended to address recent and reoccurring inquiries regarding the *Application for Permit to Perform Electrical Work* as provided for in Massachusetts General Law Chapter 143, Sec. 3L.

Electronic Transmittal of Form

Municipalities are allowed to utilize electronic means to accept digital copies of the *Application for Permit to Perform Electrical* ("Permit").

In accordance with the provisions of M.G.L. c. 143 § 3L, the permit application form to provide written notice of installation of wiring shall be uniform throughout the Commonwealth, and applications shall be filed on the prescribed form. Electronic transmittals of this form shall be permitted when done in accordance with the Uniform Electronic Transactions Act, M.G.L. c. 110G ("Act").

In order to comply with the Act and be permitted to accept electronic transmittals of the Permit, a municipality must ensure that electronic processing program or online portal provides for the following: (1) authentication (M.G.L. 110G, Sec. 9); (2) capturing the user's intent (M.G.L. 110G, Sec. 9); (3) binding of the signature to the document (M.G.L. 110G, Sec. 11); and (4) maintaining the integrity of the document (M.G.L. 110G, Sec 12).

A municipality shall not create or utilize an electronic processing program or online portal which produces results and/or documents that differ from the Permit, which has been prescribed by BFPR. This means that, at a minimum, the form produced by an electronic processing program or online portal must mirror the existing Permit.

Municipality May Require Additional Information

A municipality, at their discretion, may require additional information as part of the permitting process, but may only include and/or attach such information as addendum to the original Permit. This empowers local authorities having jurisdiction to tailor the permit to unique community or procedural needs, ensuring that the permitting process aligns with the specific characteristics and requirements of each city or town. Failure of an applicant to provide a complete and accurate application, including any additional information that may be required by a municipality, will likely result in its denial.

Municipality Must Accept Hardcopies of Permit

As provided for in the Act, M.G.L. Chapter 143, Sec. 3L, and 527 CMR 12.00, a municipality cannot mandate the exclusive electronic transmittal of the Permit. Municipalities may offer electronic transmittal as an option to interested persons but cannot unilaterally replace traditional paper-based transactions for citizens, businesses or other government agencies (unless all parties agree). Rather, municipalities must maintain the option of traditional paper transactions so that citizens, businesses, or other government agencies with whom they do business have a choice as to whether they want to submit electronic records.

However, municipalities may provide incentives for citizens, businesses, or other government departments to engage in electronic transmittals of the Permit, consistent with the Act, and if such a fee structure is so adopted by the municipality through M.G.L. Chapter 40, Section 22F. Consistent permitting applications statewide are crucial for ensuring standardized safety measures, regulatory compliance, and efficient development, fostering a reliable and uniform framework for electrical projects across the Commonwealth.

Municipality May Refuse To Issue Permit if Taxes Are Owed

A city or town which accepts M.G.L. Ch. 40, Sec. 57 may, by by-law or ordinance, deny any application for, or revoke or suspend, any local license or permit, including renewals and transfers issued by any board, officer, or department for any person, corporation, or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

Electronic Requests and/or Notifications Regarding Inspections

Consistent with the Act, cities or towns may offer an electronic means of requesting inspections or to notify applicants regarding inspections/permitting but cannot require parties to only use an electronic means (unless it has been agreed to by all parties). As stated above, a municipality must ensure any electronic means of requesting inspections or notification to applications must provide for the following: (1) authentication (M.G.L. 110G, Sec. 9); (2) capturing the user's intent (M.G.L. 110G, Sec. 9); (3) binding of the signature to the document (M.G.L. 110G, Sec. 11); and (4) maintaining the integrity of the document (M.G.L. 110G, Sec 12).