HOUSE DOCKET, NO. FILED ON: 1/13/2009

**HOUSE . . . . . . . . . . . . . . No.**

|  |
| --- |
|  |

The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PRESENTED BY:

**John H. Rogers**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General
 Court assembled:*

 The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Licensing Home Appliance Servicers.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| John H. Rogers | 12th Norfolk |

The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act Relative to Licensing Home Appliance Servicers.

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

SECTION 1. Section 94 of Chapter 143 of the General Laws,

as appearing in the 2000 Official Edition, is hereby amended by

adding the following clause:—

(m) To issue licenses in accordance with chapter 143A.

SECTION 2. The General Laws are hereby amended by

inserting after chapter 143 the following chapter:—

**CHAPTER 143B.**

**LICENSING OF HOME APPLIANCE SERVICERS (H.A.S).**

Section 1. As used in this chapter, the following words shall

have the following meanings:

“Administrator”, the administrator of the state board of

building regulations and standards, an agency within the executive

office of public safety.

“Board”, the state board of building regulations and standards

established by section 93 of chapter 143.

“Licensee”, a person, firm, partnership or corporation licensed

under this chapter may disconnect and reconnect hardwiring,

water connections and gas connections necessary to repair or

replace an appliance.

“Appliance”, any appliance manufactured which may require

the tech to disconnect and reconnect electric, water and gas.

“H.A.S.”, a person, firm, partnership or corporation engaged in

installing, maintaining, servicing or testing appliances.

Section 2. No person, firm, partnership or corporation shall

enter into, engage in or work at the business of installing or

repairing appliances for which a permit is required unless such

person, firm, partnership, or corporation shall have received a

license issued by the administrator in accordance with this

chapter.

As used in this chapter the words “Class I licensee” shall mean

a person, firm, partnership or corporation who performs the work

of installing, manufacturing, altering, servicing, testing or maintaining

any household appliances. Applicants for a “Class I

license” shall have five years experience in installing, servicing,

maintaining and testing household appliances working under the

supervision of a “Class I licensee”. As used in this chapter, the

words “Class II licensee” shall mean a person, firm, partnership or

corporation qualified to install, maintain, alter or service household

appliances Applicants for a “Class II license” shall have

three years experience in installing, servicing, altering, testing and

maintaining appliances, working under the supervision of a “Class

I or Class II licensee”, or shall be a graduate of a appliance repair

program at a licensed school accredited by the Accrediting Commission

of Career Schools and Colleges of Technology. A Class I

or Class II licensee shall not install, maintain, alter, service, manufacture

or test any wiring, which is regulated pursuant to

chapter 141 or section 3L of chapter 143.

Section 3. The administrator, in consultation with the board,

shall be responsible for the implementation of this chapter and the

promulgation of such rules and regulations as he shall deem necessary

to implement this chapter. Prior to the adoption, amendment

or repeal of a rule or regulation, the administrator shall give

notice and hold a public hearing in accordance with the requirements

of chapter 30A.

A person desiring to be licensed as a H.A.S. shall make a

written application under oath to the administrator on a form provided

by him. The application shall set forth the information

requested by the administrator.

It shall be the duty of the administrator to develop and conduct

a written examination for each category of license and to issue

and deliver a license to all applicants who have passed the examination

for licensure under this chapter unless the applicant complies

with the following paragraph:

At any time prior to June 1, 2008 the director shall, without

examination and upon payment of the appropriate fees, issue a

license to an applicant who has presented satisfactory evidence

that he has the qualifications for the type of license applied for,

and who has been engaged in the occupation or business of

installing, altering, servicing, maintaining home appliances covered

by such license for a period of five years in the case of an

applicant for a “Class I” and three years of appliance repair experience

or graduation from a appliance repair program at a licensed

school accredited by the Accrediting Commission of Career

Schools and Colleges of Technology in the case of an applicant

for a “Class II” license. A person who, being qualified to obtain a

license under this section, is prevented from making application

therefore by reason of service in the armed forces of the United

States shall have three months after discharge to make an application.

Each applicant for a license under this chapter shall pay a registration

fee in an amount to be determined by the commissioner of

administration. The fee shall be payable upon application for a

license and upon renewal. All fees collected pursuant to this

section shall be retained by the board for the implementation of

this chapter. A licensee shall submit to the administrator such

information as the administrator may require and shall be issued a

license.

Each license issued by the administrator shall bear a number,

shall be valid for three years from the date of its issuance, may be

renewed upon proof of continuing experience or education as

required by the director, shall not be transferable and shall be

exercised only by the licensee.

Section 4. No individual or contractor shall undertake, offer to

undertake, or agree to perform home appliance installation, alteration,

maintenance and testing of appliances for which a license is

required under this chapter unless licensed therefore with the

approval of the state board of building regulations and standards.

In those municipalities where a permit for appliance service is

required, the applicant shall show proof of license by the com-

monwealth, along with the applicant’s license number, in order to

qualify for a local permit. The license under this chapter shall

supersede all local license requirements.

Each permit and advertisement for appliance service shall display

the licensee's license number.

A licensee shall affix the license number in a conspicuous place

on each work order for each appliance installed, altered, maintained

or serviced by him.

Section 5. An individual or contractor who knowingly, willfully

or negligently operates without having first obtained a license as

required by this chapter and who is not otherwise exempt from the

licensing requirement or an individual or contractor who continues

to operate after revocation of, or during suspension of his

license, or who fails to review his license, shall be punished by a

fine not exceeding $100 per day. If the administrator concludes,

after consultation with the board, that the continuing conduct by

any person alleged to be in violation of this chapter may result in

substantial or irreparable harm to another, he may seek a temporary

or permanent injunction from the superior court of the county

in which the alleged violation is occurring or the county in which

the violator has its principal place of business.

The administrator shall not be required to file a bond or to show

a lack of an adequate remedy at law when seeking an injunction

under this section against a person, firm, partnership or corporation

not licensed under this chapter.

Section 6. This chapter shall not be construed to relieve or

lessen the responsibility of a person licensed under this chapter,

nor shall the commonwealth be deemed to have assumed any liability

by reason for the issuance of a license.