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

**SENATE . . . . . . . . . . . . . . No.**

|  |
| --- |
|  |

The Commonwealth of Massachusetts

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

PRESENTED BY:

**Richard R. Tisei**

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

*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 modernizing the requirements for electrical trade practice.

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

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Richard R. Tisei | Middlesex and Essex |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01989 OF 2007-2008.]

The Commonwealth of Massachusetts

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

**In the Year Two Thousand and Nine**

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

An Act relative to modernizing the requirements for electrical trade practice.

 *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. {Licensing and supervision of electricians, etc.}

Chapter 141 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the chapter in its entirety and inserting in place thereof the following new chapter:

CHAPTER 141

Licensing and Supervision of Electricians, Technicians and Apprentices Who Install Electrical, Security, Fire, Telecommunications and any Inherently Power Limited Systems.

Section 1. {Definitions.}

The following words used in this chapter or in any rules and regulations promulgated by the examiners in accordance with the provisions of chapter thirty A, unless the context otherwise requires, shall have the following meaning.

“Apprentice,” a person who, not having been licensed under the provisions of this chapter, is learning to properly perform electrical work and who works under the supervision of an appropriately licensed person, and who installs, makes repairs, tests or maintains wires, conductors, cables, raceways, apparatus, devices, fixtures, or other appliances used for heat, light, power, fire warning, security, telecommunications or any system purposes.

“Data Transmission,” the movement of digitized information between local or distant points with or without connecting wires.

“Electrical Business,” is a private business corporation, partnership, firm, unincorporated association, sole proprietorship or other legal entity engaging or proposing to engage in gainful economic activity regulated by this chapter whether or not the principal focus of such activity involves electrical work as defined herein.

“Electrical Work,” the installation, testing, repair, or maintenance of conductors, cables, raceways, apparatus, devices, fixtures, or other appliances used for heat, light, or power functions, or for fire warning, security, or signaling, telecommunications or comparable power limited functions where such wiring is permanently connected to a source of electricity or that is permanently controlled through the use of electrical signals, including optical fiber cables.

“Examiners,” the board of state examiners of electricians, technicians and related occupations as constituted under the provisions of section thirty-two of chapter thirteen and operating within the division of professional licensure as provided under section eight of said chapter thirteen.

“Fire Warning System,” an inherently power limited system of conductors, cables, raceways, apparatus, devices, fixtures, components or other appliances installed and interconnected electrically or electronically for the detection of heat, smoke, or products of combustion, or for the transmission of signals or audible alarms.

“Inactive,” a status of licensure prohibiting an individual licensed under this chapter from engaging or proposing to engage in electrical work within the commonwealth.

“Inherently Non-Power Limited System,” an assembly requiring overcurrent protection supplied in the field due to design and construction.

“Inherently Power Limited System,” an assembly requiring no overcurrent protection supplied in the field due to design and construction.

“Journeyman Electrician,” a person qualified to do electrical work.

“Licensee,” a person duly licensed by the examiners under the provisions of this chapter.

“Limited Contractor,” a person or business entity having a principal place of business and possessing a limited contractor (LC) certificate as provided in the seventh clause of the sixth section of this chapter.

“Limited Technician,” a person qualified to do the work of limited technical expertise as provided in the eighth clause of the sixth section of this chapter.

“Master Electrical Contractor,” a person or business entity having or qualified to have a principal place of business and possessing a certificate A as provided in the first clause of the sixth section of this chapter.

“Person,” an individual.

“Premises Wiring,” the interior and exterior conductors, cables, raceways, apparatus, devices, fixtures, or other appliances used for heat, light, power, fire warning, security, or signaling, telecommunications or comparable power limited system wiring, both permanently and temporarily installed, that extend from the service point or source of power, such as a battery, a solar photovoltaic system, fuel cell, or a generator, transformer, or converter windings, to the termination of wiring fastened in place, or to the termination of wiring permanently installed for the purposes described in this chapter or included in section three L of chapter one hundred forty-three. Such wiring includes optical fiber cables, but does not include wiring internal to appliances, luminaires (fixtures), motors, controllers, motor control centers, and similar equipment.

“Principal Place of Business,” the location where business records are kept and maintained.

“Qualified Employer,” a person, corporation, or other business entity licensed by the examiners under this chapter that regularly employs journeyman electricians, system technicians, telecommunications technicians, or persons with limited certificates for the purpose of performing electrical work, or an entity not licensed under this chapter that employs such persons to perform electrical work exclusively on the premises of said entity under the provisions of section fourteen of this chapter.

“Qualifying Officer,” the responsible individual who is an officer of a corporation or other business entity, or a designated senior employee of a qualified employer, and who is the current holder of a master electrical contractor certificate, or systems contractor certificate or telecommunications contractor certificate or limited contractor certificate issued by the examiners.

“Security System,” an inherently power limited premises wiring system of that is permanently controlled through the use of electrical signals, and that is installed and interconnected electrically or electronically to permit access control, proprietary signaling, surveillance and the detection of burglary, intrusion, holdup, or other conditions requiring response or the transmission of signals or audible alarms.

“Senior Citizen,” a person 70 years of age or older.

“Service Point,” the point of connection between the facilities of a municipal electric plant, or an electric company as defined in section one of chapter one hundred sixty-four, or a gas company authorized to make or sell electricity, and the premises wiring.

“Sound Transmission,” the movement of audible information, including but not limited to music or speech, between local or distant points and generally for broadcast over a defined area with or without connecting wires

“Supervision,” direct, personal, on-site guidance and control of one person by another.

“System,” a fire warning, security, telecommunications or any other inherently power limited system, including associated conductors, raceways, apparatus, devices, fixtures or other appliances, installed as part of the premises wiring of a building or property and that is permanently connected to a source of electricity or that is permanently controlled through the use of electrical signals.

“Systems Contractor,” a person or business entity having a principal place of business and possessing a certificate C as provided in the third clause of the sixth section of this chapter.

“Systems Technician,” a person qualified to do the work of installing, repairing, testing or maintaining inherently power limited systems.

“Telecommunications”, the transmission, emission, or reception of signs, signals, writings, images and sounds, or information of any nature by electromagnetic systems, including but not limited to wires, optical fiber cables, or radio or video broadcast.

“Telecommunications Contractor,” a person or business entity having a principal place of business and possessing a certificate TC as provided in the fifth clause of the sixth section of this chapter.

“Telecommunications System,” an inherently power limited system that is permanently connected to a source of electricity or that is permanently controlled through the use of electrical signals, including optical fiber cables and that is interconnected electrically, electronically, or photo-electronically or by wireless radio frequency for the transmission of intelligence by electricity, including sound, video, and data transmission.

“Telecommunications Technician,” a person qualified to do the work of installing, repairing, testing or maintaining telecommunications systems..

“Telephony,” the movement of sounds and especially speech between local or distant points with or without connecting wires.

“Video Transmission,” the movement of images between local or distant points with or without connecting wires

Section 2. {Electricians; licensure requirement; exceptions.}

No person or business, or officer, employee, representative or member thereof shall solicit for, bid for, advertise, enter into, engage in or work in the electrical business, or perform electrical work, unless such person or business, or officer, employee representative or member thereof has been licensed, or recognized as an apprentice, under the provisions of this chapter. Nothing in this chapter shall be construed to prevent or affect the practice of architecture or engineering by any person so authorized under the provisions of chapter one hundred twelve. With respect to security systems, any such business, including all employees or representatives thereof, shall be licensed by the commissioner of public safety to the extent required by the provisions of sections fifty-seven to sixty-one, inclusive, of chapter one hundred forty-seven.

The licensing provisions of this chapter shall not apply to any person or business entity who employs licensed persons to perform electrical work under the provisions of section fourteen of this chapter, or to any person or business entity who contracts for the services of a person, corporation, or other business entity duly licensed under this chapter. This chapter also shall not apply to an employee of an electrical business who does not engage in or perform electrical work.

Section 3. {State examiners; rules; examinations; committees; education and work experience.}

The examiners may make, adopt, amend, repeal, and enforce necessary rules and regulations consistent with law and promulgated in accordance with the provisions of chapter thirty A for the proper performance of its duties, to assure that apprentices are properly supervised and their work experience duly credited, and to assure that individuals licensed or to be licensed under the provisions of this chapter obtain and maintain the skills required at the time of examination. The examiners may establish advisory committees for the electrical, systems, and telecommunications industries and other committees the examiners deem necessary for the performance of their duties.

At reasonable intervals the examiners shall administer examinations in convenient places within the commonwealth or outside the commonwealth, and shall give public notice of the times and places for such examinations. The examiners shall issue certificates for, and by regulation establish for its licensees, educational providers, inspectors and apprentices an accredited program of education and may adopt an accredited program of education that is consistent with nationally recognized education, training, and curriculum standards. The examiners shall establish procedures and standards under which such education and the work experience of a licensee or apprentice may be applied as credit towards requirements in a different form of licensure.

Records of meetings of the examiners shall be open for inspection upon reasonable request, and they shall have printed annually a manual of their regulations. The examiners shall make biennial reports of their doings in each odd numbered year. The examiners may employ counsel to aid in the enforcement, prosecution and administration of this chapter, and the compensation and expenses therefor shall be paid from the funds of the division of professional licensure. Such counsel shall be used exclusively for purposes of furthering the goals and objectives of this chapter.

Section 4. {Examinations; credit to veterans.}

The examiners shall establish uniform requirements for all towns in the conduct of examinations, which may be revised from time to time, as circumstances require. The examiners shall approve the form and content of all examinations and shall establish passing scores. In establishing such passing scores, the examiners shall grant a credit of five per cent to each part of the examination of each applicant who is a veteran as defined in clause forty-three of section seven of chapter four. Examinations may be conducted in writing or electronically. Reasonable and necessary accommodations shall be made for all applicants requiring such considerations, if required by law. Examinations may be supervised by one or more members of the examiners or agents of the examiners, and no license shall be granted or passing score awarded without the sanction of the examiners.

Section 5. {Electricians, Contractors, and Technicians licensed in other states; reciprocal licensure without examination; fees.}

The examiners may issue a license without examination to any person who has paid the fee established for this purpose and who has been licensed as an electrician, contractor, technician or apprentice in another state under laws which, in the opinion of the examiners, establish standards substantially the same as those established by the examiners under this chapter.

Section 6. {Forms of and general provisions relating to examinations, licenses, certificates, records, manual of regulations, and registration.}

The following forms of license shall be issued by the Examiners: certificate A, known as a master electrical contractor’s license; certificate B, known as a journeyman electrician's license; certificate C, known as a systems contractor's license; certificate D, known as a systems technician's license; certificate TC, known as a telecommunications contractor’s license; certificate TT, known as a telecommunications technician’s license, certificate LC, known as a limited contractor license and; certificate L, known as a limited certificate. No person shall possess more than one license or certificate for any given certificate classification established under this section, and a holder of a certificate A, certificate C, certificate TC, or certificate LC who becomes the qualifying officer of a business entity shall surrender said license at that time, whereupon a new license shall be issued in the name of both the qualifying officer and of the business entity.

(1) A certificate A shall be issued to any person, or to a business entity with a qualifying officer, that is engaged in, about to engage in, or who is qualified to engage in the electrical business; provided, however, that such person or qualifying officer shall have qualified to sit for and passed an examination by the examiners for such a license, and who, at the time of application for examination, shall have been a holder in good standing of a current certificate B license for a minimum of twelve months; or who shall have qualified under section five of this chapter. A holder of a certificate A license shall additionally maintain in good standing a certificate B license if said holder elects to perform electrical work as defined in section one.

(2) A certificate B shall be issued to any person who shall have qualified to sit for and passed the examination established by the examiners for such a license or who shall have qualified under section five of this chapter. The certificate shall bear the name of such person as an individual, who shall thereby be authorized to engage in the occupation of journeyman electrician and to perform electrical work as defined in section one.

(3) A certificate C shall be issued to any person or to a business entity with a qualifying officer that is engaged in, about to engage in, or who is qualified to engage in the system portion of the electrical business as defined in section one; provided, however, that such person or qualifying officer shall have qualified to sit for and passed an examination by the examiners for such a license, and who, at the time of application for examination, shall have been a holder in good standing of a current certificate D license for a minimum of twelve months; or who shall have qualified under section five of this chapter. A holder of a certificate C license shall additionally maintain in good standing a certificate D license if said holder elects to perform the work of installing, repairing, testing, and maintaining inherently power limited systems installed as part of premises wiring.

(4) A certificate D shall be issued to any person who shall have qualified to sit for and passed the examination established by the examiners for such a license or who shall have qualified under section five of this chapter. The certificate shall bear the name of the person as an individual, who shall thereby be authorized to engage in the occupation of systems technician and to perform the work of installing, repairing, testing, and maintaining inherently power limited systems installed as part of premises wiring.

(5) A certificate TC shall be issued to any person or to a business entity with a qualifying officer that is engaged in about to engage in, or who is qualified to engage in the telecommunication systems portion of the electrical business as defined in section one; provided, however, that such person or qualifying officer shall have qualified to sit for and passed an examination by the examiners for such a license and who, at the time of application for examination, shall have been a holder in good standing of a current certificate TT license for a minimum of twelve months; or who shall have qualified under section five of this chapter. A holder of a certificate TC license shall additionally maintain in good standing a certificate TT license if said holder elects to perform the work of installing, repairing, testing, and maintaining telecommunications systems.

(6) Certificate TT shall be issued to a person who shall have qualified to sit for and passed the examination established by the examiners for such a license or who shall have qualified under section five of this chapter. The certificate shall bear the name of such person as an individual, who shall thereby be authorized to engage in the occupation of telecommunications technician and to perform the work of the work of installing, repairing, testing or maintaining telecommunications systems.

(7) A limited contractor (LC) certificate shall be issued to any person or to a business entity with a qualifying officer that is engaged in, about to engage in, or who is qualified to engage in the electrical business, but limited in its activity to one or more areas of technical expertise as described in section nine of this chapter; provided, however, that such person or qualifying officer shall have qualified to sit for and passed an examination by the examiners for such license, and who, at the time of application for examination, shall have been a holder in good standing of a current certificate L license in the same areas of technical expertise for a minimum of twelve months, or who shall have qualified under section five of this chapter. A holder of a certificate LC license shall additionally maintain in good standing a certificate L license if said holder elects to perform the work in said specific area of expertise.

(8) A limited category (LT) certificate shall be issued to any persons who document to the satisfaction of the examiners their education and work experience in the specific area of technical expertise as described in section nine of this chapter. The examiners may require such expertise to be proven by examination, or may qualify said applicant under section five of this chapter. The certificate shall bear the name of such person as an individual, who shall thereby be authorized to perform the work in said specific area of expertise.

(9) Each certificate A, C, TC, and LC shall bear the name of the person, or the name of the qualifying officer and the name of the business entity, which shall thereupon be authorized, in its own name, to solicit for, bid for, advertise, enter upon or engage in the electrical business to the extent permitted by this chapter and to direct the actions of electricians, technicians, or apprentices in the actual performance of its electrical work.

(10) Not withstanding the provisions of any general or special law to the contrary, nothing shall be construed to prevent or to affect the practice of designing or preparing plans, specifications, shop drawings or as-built drawings by any person or business who is a valid certificate holder, without requiring the seal of registration of an architect or professional engineer, for electrical work to be installed or being installed by the same person or business preparing such plans, specifications, shop drawings or as-built drawings.

(11) All certificates issued under this chapter shall expire every third year on a day that is uniform within each class of certificate issued. Each certificate may be renewed by the same person without further examination, upon application and payment of the established fee. The examiners may require evidence of continuing education on the part of the licensee prior to renewing a license without further examination and may establish fees in connection with the administration of such educational programs. In the case of failure to renew a license as required by this chapter on or before its expiration, the person or business named therein, upon payment of said fee, increased by such additional fees as would have been payable had such license been timely renewed, may receive a deferred renewal thereof which shall expire on the third anniversary date as indicated in this section; provided, however, that such renewed license shall not retroactively make its holder a licensee for any period preceding its issue; and at the discretion of the examiners such applicant may be required to be re-examined prior to renewal in the event said application for renewal is not received by the examiners until after the close of an entire subsequent renewal cycle.

(12) The examiners may, upon application therefor and the payment of a reduced fee, reclassify the license status of an out-of-state licensee or a senior citizen to “inactive”.

(13) The examiners shall furnish holders of certificates issued pursuant to this chapter with evidence of licensure, in the form of a card or otherwise. Certificates B, D, TT, and L shall be carried on the person of the licensee and exhibited upon request.

(14) Any person wishing to be examined shall make written application thereof, accompanied by the appropriate examination fee. A person passing the examination for any license issued by the examiners shall pay the appropriate fee prior to the issuance of such license. An applicant failing to pass the examination shall be entitled to additional examinations under such conditions as the examiners may establish, but a new application shall be made for each such examination, and the applicant shall pay the fee established for such subsequent examinations.

(15) Any certificate expiring while the holder thereof is in the military service of the United States shall, upon application and payment of the appropriate fee, be renewed without further examination at any time within 4 months after such person’s discharge from such service.

(16) Examination papers and applications for certificates shall be preserved for at least two years, after which they may, at the discretion of the examiners, be destroyed.

(17) Upon application, the examiners shall have the authority to review the specific vocational and educational experience of any applicant for licensure and to determine whether said applicant substantially meets the qualifications established in this section and is thereby eligible to sit for the examination required for such licensure.

(18) Holders of certificate B may engage in the electrical business, as defined in section one of this chapter, to the same extent as holders of certificate A as defined in the first clause of this section. No holder of a certificate B shall employ another holder of said certificate B, or employ or supervise more than one apprentice as defined in section one of this chapter, or engage in the electrical business under any other name than the one on the certificate issued pursuant to the second clause of this section.

Section 7. {Apprentices.}

The following certificates shall be issued by the examiners to persons learning to perform electrical work, and intending to apply for licensure under this chapter: certificate JA, known as electrician’s apprentice certificate; certificate SA, known as systems technician’s apprentice certificate; certificate TA, known as telecommunications technician apprentice certificate. These certificates, in card form or otherwise, shall be issued upon payment of a fee to any person who qualifies as an apprentice under regulations established by the examiners. Certificates JA, SA, and or TA shall expire and shall be renewable upon the same conditions set forth in the eleventh clause of the sixth section of this chapter. The certificate shall specify the name of the person who thereby shall be authorized to work as an apprentice as herein defined. Certificates shall be carried on the person of the apprentice and exhibited on request.

A holder of a certificate A, certificate C, certificate TC, or an employer of persons holding certificate B, certificate D, or certificate TT pursuant to section fourteen of this chapter, shall maintain written records of the type and duration of electrical work performed by an apprentice possessing a certificate issued under this section upon due notice of such certification. Such records shall be in a form approved by the examiners, and shall be countersigned by the supervising electrician or technician under the pains and penalties of perjury. The examiners may limit the number of apprentices authorized under this section to work under the supervision of a journeyman electrician, systems technician or telecommunications technician as the case may be.

Section 8. {Display certificates.}

No holder of a certificate A, certificate C, certificate TC, or certificate LC shall engage in any aspect of the electrical business in other than their own name without first obtaining from the examiners a certificate suitable for public display which shall specify the names of the responsible qualifying officer, other principal officers of the business entity, the type of certificate granted, and any endorsements as described in section nine of this chapter. Such certificates shall be displayed in a conspicuous place at the principal place of business.

Each display certificate shall expire consistent with the provisions set forth in the eleventh clause of the sixth section of this chapter, but may be renewed by the licensee or by a principal officer of such business upon application and payment of a fee. In the case of failure to renew a certificate before its expiration, the licensee or principal officer, upon payment of said renewal fee increased by such additional fees as would have been payable had such certificate been timely renewed, may receive a deferred renewal which shall expire as set forth in the eleventh clause of the sixth section of this chapter, provided however that such renewed certificate shall not retroactively make its holder eligible to engage in the electrical business for any period preceding its issue.

Section 9. {Limited Contractor’s and Limited Technician’s certificates.}

Limited Technician’s (LT) and Limited Contractor’s (LC) certificates shall be issued by the examiners to authorize the performance of electrical work and the engagement in the electrical business in particular areas of technical expertise. These certificates shall be issued in one of three subject categories as provided in this section. The examiners shall limit the applicability of said certificates to one or more specific portions of premises wiring based on the training and experience required of the certificate holders. The examiners may consider other areas of comparable technical interest and skill, and qualify them for inclusion in one of said categories as the public safety and convenience may from time to time require. Each certificate issued shall indicate both the pertinent subject category and the specific area of technical expertise as so endorsed by the examiners.

(1) Category 1 shall be known as a Non Power Limited certificate. A holder of this certificate shall, with specific endorsements authorized by the examiners, be entitled to install, test, repair, and maintain one or more of the following: water pumps, signs, traffic signals, replacement air conditioning units, replacement boilers and furnaces, theatrical stage lighting, lightning protection, and landscape lighting systems.

(2) Category 2 shall be known as a Power Limited certificate. A holder of this certificate shall, with specific endorsements authorized by the examiners, be entitled to install, test, repair, and maintain one or more of the following: garage door opener controls, central vacuum system controls, sound or video systems, electric fence systems, data transmission systems, voice transmission systems and, lawn irrigation controls, landscape lighting, provided in all cases, however, that the systems to be installed, tested, repaired, and maintained qualify as inherently power limited systems as defined in section one of this chapter.

(3) Category 3 shall be known as a Power Limited Testing certificate. A holder of this certificate shall, with specific endorsements authorized by the examiners, be entitled to test one or more of the following: fire warning systems, sprinkler alarm systems.

Limited Contractor’s and Limited Technician’s certificates shall be issued to a person engaged in the occupation as defined in this section upon submission of documentation satisfactory to the examiners evidencing appropriate education and work experience in the specific category and endorsement of certification. This section shall not be construed to limit the authority of holders of certificates A, C, and TC to engage in the electrical business, nor to limit the authority of holders of certificates B, D, and TT to perform electrical work, to the extent authorized by their certificates whether or not such activity is otherwise eligible for licensure under this section.

Section 10. {Certificates not transferable may be suspended or revoked.}

No certificate issued under this chapter shall be assigned or transferred. Such certificates authorizing performance of electrical work and engagement in the electrical business issued under this chapter may be suspended or revoked by the examiners, following notice to the licensee and opportunity to be heard, upon the licensee’s failure or refusal to comply with the rules and requirements of the examiners, or for other sufficient cause.

Section 11. {Engagement in business or work without complying with statute; enforcement.}

Any person or business, or employee thereof, and any representative, member or officer of such business, or any apprentice acting individually, who solicits for, bids for, advertises for, enters upon, or engages in, or is about to engage in the respective business or occupation as described herein, or who causes or permits his agents, servants or employees to solicit for, bid for, advertise, enter or engage in such business or occupation, without first having fully complied with this chapter, shall be punished by a fine of not less than 500 dollars nor more than 5,000 dollars or by imprisonment in the house of correction for 6 months, or both. The examiners and the inspectors of wires in each city and town, as defined in section thirty-two of chapter one hundred sixty-six, shall be charged with the enforcement of this chapter. The examiners or their agents and the inspectors of wires shall have the necessary powers to require compliance therewith, including the power to institute and prosecute proceedings in the superior court department of the trial court. The examiners or their agents, when so delegated, shall have the power to pursue the administrative remedies for improper trade practice set forth in section sixty-one and section sixty-five et seq. of chapter one hundred twelve.

The examiners or their agents and the inspectors of wires shall have the authority to enter at any reasonable hour any building or other premises to make inspection or investigation pursuant to this chapter, without being held or deemed to be guilty of trespass.

Section 12. Liability for work of employee.

No person or holder of a certificate A, certificate C, certificate TC, or certificate LC shall be liable for work done by his or her or its employees, unless it appears that such work was done with his or her or its knowledge or consent or by his or her or its authorization.

Section 13. Non-applicability of chapter.

This chapter shall not apply to: persons installing, repairing, and wiring elevators; persons working in connection with the erection, construction, maintenance or repair of lines for transmission of electricity from the source of supply to and including the service point for the premises, and including facilities used for the purpose of metering, generation, control, transformation, or distribution of electric energy if used by and under the exclusive control of municipal electric plants, by electric companies as defined in section one of chapter one hundred and sixty-four, by gas companies authorized to make or sell electricity, by electric street railway companies, or by electric railroad companies or by railroad companies, provided also that such facilities are within public ways, or are located on property owned or leased by such companies or within areas controlled by them through established rights or pursuant to regulations of or agreements recognized by the department of telecommunications and energy; employees of such plants or companies working on premises owned or controlled by them and used as an integral portion of a generating plant, substation, or control center; the employees of said municipal electric plants or of said electric or gas companies in installing, maintaining and repairing on the premises of customers metering or other equipment under the exclusive control of such companies; work under the control of said municipal electric plants or said electric or gas companies performed in connection with the lighting of public ways, alleys, private ways, or public parks, areas or squares; municipal employees engaged in the work of installing, maintaining or repairing public signaling systems used for fire warning notification or traffic signaling systems; persons working for companies subject to regulation by the department of telecommunications and energy, and incorporated for the transmission of intelligence by electricity in installing, maintaining or repairing wires, apparatus, fixtures, or other appliances used by such companies and necessary for, or incident to, their business, whether or not such wires, raceways, apparatus, fixtures or other appliances are on its own premises; or employees working in connection with the installation, construction, maintenance, repair and renovation of telephone equipment, or cable television service subject to regulation by the department of telecommunications and energy; or persons installing or repairing a telecommunications system in a motor vehicle, as defined in section one of chapter ninety, or by employees of class 1 or class 2 licensees as defined under section fifty-eight of chapter one hundred forty.

Section 14. {Employers without a certificate; apprentices; theatrical companies}

A person licensed under this chapter to perform electrical work and regularly employed by a person or business who is not a holder of a certificate A, certificate C, certificate TC or certificate LC may install and or test such wiring, raceways, and appliances, or maintain or make such repairs as may be required; provided such electrical work occurs exclusively on the premises and property of such business, and provided such licensee is otherwise licensed to perform the electrical work in compliance with this chapter.

Electricians employed by theatrical companies and traveling carnivals may install temporary wiring and appliances required for the purpose of the engagement of any such company, subject to licensure under this chapter.

Section 15. {Penalty for misstatement.}

Any applicant for a certificate of licensure who makes any misstatement as to his or her experience or other qualifications, or any licensee, licensed in accordance with this chapter subscribing to, or vouching for, any such misstatements resulting in the issuance of a license shall be subject to the penalties set forth in section eleven. In addition, such licensee may be subject to the annulment of their license and the suspension or revocation of his or her right to engage in the occupation and or business as permitted under the terms of said licensure. Any licensee who knowingly misstates an applicant’s work experience may be subject to the suspension or revocation of his or her license and his or her right to engage in the occupation and or business permitted under the terms of said license.

Section 16. Fees and fines collected under this chapter.

The fees established under this chapter shall be determined annually by the commissioner of administration under the provisions of section three B of chapter seven and subsections (b) and (c) of section thirty-five V of chapter ten. All fees collected under this chapter shall be paid to the commonwealth subject to the provisions of subsection (a) of section thirty-five V of chapter ten. All fines collected under this chapter shall be paid to the commonwealth subject to the provisions of section sixty-five D of chapter one hundred twelve.

SECTION 2. {Board of State Examiners of Electricians, Technicians, and Related Occupations}

Section 32 of chapter 13 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the section in its entirety and inserting in place thereof the following new section:

Section 32. {State examiners of electricians; board; membership; appointment; term; executive director; compensation and expenses.}

The state examiners of electricians, technicians, and related occupations, hereinafter called the examiners, shall consist of the state fire marshal, the associate commissioner for the division of occupational education in the department of education, ex officiis, and ten persons to be appointed for terms of three years each by the governor. One of said appointees shall be a representative of the public, subject to the provisions of section nine B of this chapter, and one shall be a local wiring inspector who is an electrician licensed under chapter one hundred forty-one. Eight of said appointees shall be citizens of the commonwealth: one of whom shall be a master electrical contractor who holds a certificate A license issued under said chapter one hundred forty-one and has at least ten years experience as an employing master electrical contractor; one shall be a master electrical contractor who holds certificate A and certificate B licenses issued under chapter one hundred forty-one, and has at least ten years experience as a master electrical contractor qualified to engage in the electrical business; one shall be a journeyman electrician who holds a certificate B license issued under said chapter one hundred forty-one, is a wage earner and has at least ten years practical experience in the installation of wires and appliances for carrying electricity for light, heat, power, telecommunication, and systems purposes; one shall be a systems contractor who holds a certificate C license issued under said chapter one hundred forty-one, is actively engaged in the business of fire warning, security and any systems as his principal business and has at least 10 years as an employing systems contractor; one shall be a systems technician who holds a certificate D license issued under said chapter one hundred forty-one, is a wage earner and has at least ten years practical experience in the installation, repair and maintenance of systems; one shall be a telecommunications contractor who holds a certificate TC license issued under said chapter one hundred forty-one, is actively engaged in the business of telecommunications systems and has at least ten years as an employing telecommunications contractor; one shall be a telecommunications system technician who holds a certificate TT license issued under said chapter one hundred forty-one, is a wage earner and has at least ten years practical experience in the installation, repair and maintenance of telecommunications systems for ten years prior to appointment; one shall be a representative of the New England Section of the International Municipal Signal Association who holds at least a level I competency certificate from said association, is a municipal employee and has at least ten years practical experience in the installation, repair, maintenance of fire warning or signaling systems. The state fire marshal shall be chairman. When the examiners decides matters regarding continuing education requirements and programs for its licensees, the examiners shall first consider the recommendations of a three-member subcommittee comprised of two of its members especially qualified to serve in the applicable area of expertise, and a third member appointed by the chair. The examiners shall appoint an executive director who shall be a wage earner, a citizen of the commonwealth and a current holder of a certificate A with a minimum of 10 years experience engaging in the business of electrical installations, and who shall be currently certified under the provisions of section thirty-two B of chapter one hundred sixty-six. The examiners may also appoint, subject to chapter thirty-one, such other clerical and technical assistants as may be necessary to discharge its duties under chapter one hundred forty-one and shall establish their responsibilities. The members, ex officiis, shall receive no compensation for their services under chapter one hundred forty-one, but the appointive members shall each receive for their services there under a salary of seven hundred fifty dollars. The examiners may expend for the salaries of the appointive members and of the secretary and other employees and for necessary traveling and other expenses for themselves and their employees such sums as are annually appropriated therefor.

SECTION 3: {Massachusetts Electrical Code; permits and inspection}

Section 3L of Chapter 143 of the General Laws, as appearing in the 2000 Official Edition is hereby amended by striking it out in its entirety and replacing it with the following new section 3L:

Section 3L. {Regulations relative to electrical wiring and fixtures; notice of electrical installation}

The board of fire prevention regulations shall make and promulgate, and from time to time may alter, amend and repeal, rules and regulations relative to the installation, repair and maintenance of electrical wiring that connects to a source of electricity and electrical wiring within or supplied from buildings and structures subject to the provisions of sections three to sixty, inclusive, and the state building code. Such regulations shall be in accordance with generally accepted standards of engineering practice, and shall be designed to provide reasonable requirements for safety in relation to life, fire and explosion. The rules and regulations governing electrical wiring shall be uniform throughout the commonwealth, and no city or town shall make, supplement, modify or delete any rule and regulation for said purpose.

Regulations adopted pursuant to this section shall not apply to electrical wiring and associated facilities used for the purpose of metering, generation, control, transformation, or distribution of electric energy if used by and under the exclusive control of municipal electric plants, by electric companies as defined in section one of chapter one hundred and sixty-four, by gas companies authorized to make or sell electricity, by electric street railway companies, or by electric railroad companies or by railroad companies, provided also that such facilities are within public ways, or are located on property owned or leased by such companies or within areas controlled by them through established rights or pursuant to regulations of or agreements recognized by the department of telecommunications and energy; or to installations of communications wiring and equipment under the exclusive control of companies subject to regulation by the department of telecommunications and energy, and incorporated for the transmission of intelligence by electricity.

No person or business entity shall install any electrical wiring or equipment subject to this section without making application, including payment of any fee established therefor, for an electrical permit from the city or town in which the electrical installation is to be performed. The application shall be filed before or within five days of commencing work. Said permit application shall be on a form prepared by the board, which shall be accepted without additions or modifications by all cities and towns in the commonwealth, and shall be transmitted by any of the following methods: 1) electronically if acceptable to the city or town, or 2) by mail, or 3) in person, to the inspector of wires appointed pursuant to the provisions of section thirty-two of chapter one hundred sixty-six, or an agent thereof. A permit application so transmitted shall be considered to have been validly submitted, and shall not be denied for any reason other than an incomplete application, the lack of the appropriate fee, or if otherwise provided by law. Any person or business entity failing to make such application shall be punished by a fine not exceeding five hundred dollars.

Any person or business entity installing electrical wiring subject to this section shall notify the inspector of wires upon the completion of the work. Within time limits established by the board, the inspector of wires shall inspect such work and thereupon give notice of his approval or disapproval of said work, which may be oral or in writing. A notice of disapproval shall contain specifications of the part of the work disapproved, together with a reference to the rule or regulation of the board of fire prevention regulations that has been violated. Any notice of disapproval shall be made in writing within five working days following a request on the part of the person installing the work, and the time of service of said written notice shall be recorded in the office of the inspector of wires. The inspector of wires shall have the authority to enter at any reasonable hour any building or other premises to make inspection or investigation pursuant to this chapter, without being held or deemed to be guilty of trespass.

In the case of horizontal construction as defined in section thirty two of chapter one hundred sixty-six, the application for a permit for electrical work to be performed in connection with said horizontal construction, and the required notification of completion of electrical work, shall be made to a designee of the board of state examiners of electricians, technicians, and related occupations constituted under the provisions of section thirty-two of chapter thirteen, who shall issue subject to any limitations in this section the necessary permits for said electrical work, and who, as provided in said section thirty-two of chapter one hundred sixty-six, shall exercise the authority of an inspector of wires and shall give notice of approval or disapproval of said electrical work.

Notwithstanding the provisions of any general or special law to the contrary, no permit for the installation of electrical wiring pursuant to this section shall be issued by any city or town to a person or business entity licensed under the provisions of chapter one hundred forty-one unless the applicant affirms under the pains and penalties of perjury that the electrical work will be covered by liability insurance, including “completed operation” coverage, which has been issued by an insurance company licensed to do business in the commonwealth, or a bond or other type of indemnity against liability providing substantially equivalent coverage. Proof of said coverage shall be provided to the owner or to those enforcing this section upon request. In lieu of said insurance requirement the permit issuing authority shall accept the signature of the owner or his agent on the uniform application for a permit for work to be performed by electricians. Any person who fails to provide the insurance required by this paragraph shall be punished by a fine of not less than five hundred nor more than one thousand dollars.

This section shall be enforced by the inspector of wires within his jurisdiction and the board of state examiners of electricians, technicians, and related occupations and their designee(s). Violations of this section shall additionally be grounds for administrative sanctions imposed for improper trade practice as set forth in section sixty-one and section sixty-five et seq. of chapter one hundred twelve.

SECTION 4: {Jurisdiction over Horizontal Construction}

Section 32 of Chapter 166 of the General Laws, as appearing in the 2000 Official Edition is hereby amended by adding the following second paragraph:

The board of state examiners of electricians, technicians, and related occupations constituted pursuant to the provisions of section thirty-two of chapter thirteen shall provide for the appointment of inspectors of wires with authority over horizontal construction, so-called. Horizontal construction as the term is used herein means construction activity performed on or below the surface of the earth and which extends substantially parallel to the surface of the earth, and which is an integral part of road or rail transportation systems, or airport runways, including bridges and tunnels, and appurtenant structures, and which are performed by designated departments of the commonwealth responsible for such construction, or which are contracted by then; pursuant to section thirty nine of chapter thirty to other entities. Horizontal construction does not include erection, maintenance or demolition of buildings either above or below grade, which work is either performed by such designated departments or is contracted by them pursuant to section forty-four A et seq. of chapter one hundred forty-nine.

SECTION 5: {Certification and training of inspectors of wires}

Chapter 166 of the General Laws, as appearing in the 2000 Official Edition is hereby amended by adding the following section thirty-two B:

Section 32B {Certification and training of inspectors of wires}

Every person performing the duties of an inspector of wires appointed pursuant to section thirty-two of this chapter, regardless of title and whether the position is classified as full or part-time, shall be certified as qualified to act in this capacity by the board of state examiners of electricians, technicians and related occupations constituted pursuant to the provisions of section thirty-two of chapter thirteen, hereinafter referred to as the examiners. The examiners shall establish minimum qualifications for such certification based on educational and vocational experience, including educational programs approved by them and developed for this purpose, and may examine candidates for certification in accordance with the provisions of section four of chapter one hundred forty-one. The examiners shall provide certificates for the purpose that shall be renewable every third year without further examination, upon application and payment of the established fee. The examiners shall require evidence of participation in continuing education on the part of the certificate holder prior to renewal, and they shall establish fees in connection with the administration of such training and certification that shall be set and collected in the manner provided in section sixteen of chapter one hundred forty-one.

The examiners shall establish rules of professional conduct and may suspend or revoke the certification of any inspector who no longer qualifies for certification or who violates said rules of professional conduct. The examiners may impose the penalties authorized for the discipline of persons in violation of requirements for the performance of electrical work as provided in section eleven of chapter one hundred forty-one.

SECTION 6: {Transitional provisions}

For a period of not less than one year nor more than two years following the effective date of this act, as determined by the examiners under the provisions of section three of chapter one hundred forty-one as amended hereunder, the examiners shall, without examination, upon payment of the fees established under the ninth clause of the sixth section of chapter one hundred forty-one as amended hereunder, issue a “Telecommunication Contractor certificate”, “Telecommunication Technician certificate”, ”Limited Contractor certificate ”, “Limited category certificate”, or an “Apprentice certificate” to any applicant who shall present satisfactory evidence that they have the qualifications for the type and form of certificate applied for.

Commencing in the year two thousand seven, all certificates A and B shall expire on July thirty first of every third year; Certificates C and D shall expire on April thirtieth of every third year; and Certificates TC and TT and Certificates LC and L shall expire on January thirty first of every third year.

Notwithstanding any provisions to the contrary, on and after such date as the department of telecommunications and energy no longer regulates a telephone company, a corporate affiliate of such telephone company, or a service provided by such company or corporate affiliate, the examiners shall issue an appropriate certificate as provided in this chapter, to any person who is an employee of such telephone company or such corporate affiliate on such date who, as a result of such deregulation, shall become subject to the provisions of this chapter or any employee who after date of separation from a company which utilizes a formal examination and rating process and was exempt from licensure under provisions of section thirteen of this chapter and who applies for any such certificates of licensure in accordance with the provisions of this chapter not later than six months after such date; provided that any such employee shall not be required to pass any examination in order to qualify for any such license but shall thereafter be subject to all laws, rules and regulations applicable to such licensure.

Notwithstanding the provisions of any general or special law, act, regulation, ordinance or by-law to the contrary, all full time or part-time inspectors of wires duly appointed and in the office on the effective date of this legislation and meeting the minimum requirements of section thirty two of chapter one hundred sixty-six for their position shall be deemed qualified and certified in the position held on said date upon satisfactory evidence of such appointment furnished to the board of state examiners of electricians by a city or town clerk. Such certificate shall be renewable upon the conditions established in section thirty-two B of said chapter one hundred sixty-six.