SENATE DOCKET, NO. FILED ON: 1/9/2009

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

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Morrissey, Michael (SEN)**

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*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 the licensing of telecommunications professionals.

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PETITION OF:

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| --- | --- |
| Name: | District/Address: |
| Morrissey, Michael (SEN) | Norfolk and Plymouth |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00204 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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An Act relative to the licensing of telecommunications professionals.

 *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. Chapter 13 of the General Laws, as appearing in the 2006 official edition, is hereby amended by striking out section 32 entirely, and inserting in place thereof the following new section:-

Section 32. There shall be a board of electrical and telecommunications examiners, hereinafter, called the board, which shall consist of the state fire marshal, the associate commissioner for the division of occupational education in the department of education, ex officiis, and 10 persons to be appointed for terms of 3 years each by the governor. One of said appointees shall be a representative of the public, subject to the provisions of section 9B and 1 shall be a local wiring inspector who is an electrician licensed under chapter 141. Eight of said appointees shall be citizens of the commonwealth: 1 of whom shall be a master electrician who holds a certificate A license issued under said chapter 141 and has at least 10 years experience as an employing master electrician; 1 shall be a master electrician who holds certificate A and certificate B licenses issued under said chapter 141, is actively engaged in such business and has at least 10 years experience as an employing master electrician; 1 shall be a journeyman electrician who holds a certificate B license issued under said 141, is a wage earner and has at least 10 years practical experience in the installation of wires and appliances for carrying electricity for light, heat or power purposes; 2 shall be a telecommunications contractor who holds a certificate TC license issued under chapter 141A, is actively engaged in the business of design, installation, repair, maintenance, alteration, service, or the testing of telecommunications as defined in said chapter 141A as his principal business and has at least 10 years experience as an employing telecommunications contractor; 2 shall be a telecommunications technician who holds a certificate TT license issued under said chapter 141A, is a wage earner and has at least 10 years practical experience in the design, installation, repair, maintenance, alteration, service or the testing of telecommunications; provided however that nothing shall preclude completion of any term of appointment of any certificate C license or certificate D license holder; and 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 10 years practical experience in the design, installation, repair, maintenance, alteration, service or the testing of fire warning or signaling systems. The state fire marshal shall be chairman. The board shall appoint an executive secretary who shall be a wage earner, a citizen of the commonwealth, and a practical electrician of at least 10 years’ experience in such installation. The board may also appoint, subject to chapter 31, such other clerical and technical assistants as may be necessary to discharge its duties under chapter 141 and 141A and shall establish their duties. The members, ex officiis, shall receive no compensation for their services under chapter 141 and 141A, but the appointive members shall each receive for their services thereunder a salary of $750. The board 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 2. Section 32A of said chapter 13, as so appearing, is hereby amended by striking out the first 2 sentences and inserting in place thereof the following 2 new sentences:- There shall be a board of electricians and telecommunications professionals’ appeals, whose membership shall consist of the members of the state electrical and telecommunications examiners.  The chairman of the state electrical and telecommunications examiners shall be the chairman of said board.

SECTION 3. Said section 32A of said chapter 13, as so appearing, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

The board of electrical and telecommunications examiners shall assign such clerical, technical and other assistance as may be required by the board of electricians and telecommunications professionals’ appeals.

SECTION 4. Said chapter 13, as so appearing, is hereby further amended by inserting after section 32A, the following new section:-

Section 32B.  There shall be established a telecommunications policy advisory committee for the purpose of advising the board of electrical and telecommunications examiners on establishing criteria for state licensure, requirements or regulations governing the performance of state-licensed telecommunications technicians and telecommunications contractors in accordance with chapter 141A, and other pertinent subject matter. The advisory committee shall be composed of 9 members: 1 shall be an electrical inspector serving a city or town in the commonwealth; 1 shall be the state fire marshal, or a designee who is knowledgeable in codes and regulations involving telecommunications; and 7 shall be telecommunications professionals who have been actively engaged in the design, installation, repair, maintenance alteration, service or the testing of telecommunications, as defined by chapter 141A, for at least 10 consecutive years immediately prior to appointment and who shall be qualified for licensing under the provisions of chapter 141A of which: 1 of whom shall be a telecommunications contractor as defined in chapter 141A; 1 of whom shall have expertise in “data” as defined in chapter 141A; 1 of whom shall have expertise in “sound” as defined in chapter 141A; 1 of whom shall have expertise in “telephony” as defined in chapter 141A; 1 of whom shall have expertise in “fire warning systems” as defined in chapter 141A; 1 of whom shall have expertise in “security systems” as defined in chapter 141A; and 1 of whom shall have expertise in “video” as defined in chapter 141A. The members shall be residents of the state for at least 3 consecutive years prior to appointment.  The members shall be appointed by the governor from a list of qualified candidates provided by industry representatives.  Not more than one member shall be directly employed with or by any single business, firm or corporation. In establishing recommendations to the board, the advisory committee shall review and consider existing education courses, including, but not limited to, national industry specific certification programs meeting the curriculum requirements established by the board under chapter 141. The advisory committee shall recommend to the board a process to be approved by the board by which any person or entity offering board-approved education courses shall maintain board approval for the education courses and be permitted to amend the course of education to maintain consistency with curriculum requirements for telecommunications licensees without risk of program disapproval. The advisory committee shall recommend to the board a process to be approved by the board by which any person completing a board-approved course of education and hours of practical experience qualifying for education credit and hours of practical experience under chapter 141, shall be credited for applicable credit or hours as an applicant for licensure under 141A. The advisory committee shall submit its recommendations to the board for approval of any proposed policy, rule or regulation, except emergency rules or regulations, affecting the activities of telecommunications contractor and technician licensees under chapter 141A. Records of the meetings of the policy advisory committee shall be open for inspection at all times, and the policy advisory committee shall have printed annually a packet of their proposed regulations to the board.

SECTION 5. Section 1 of said chapter 141 of the General Laws, as so appearing, is hereby further amended, in line 15, by inserting after the word “security” the following:- or other telecommunications.

SECTION 6. Said section 1 of said chapter 141, as so appearing, is hereby further amended by inserting after the word “purposes”, in lines 15 and 20, in each instance, the following words:-, or for the purpose of any other system as defined in this section.

SECTION 7. Said section 1 of said chapter 141, as so appearing, is hereby further amended, in line 20, by inserting after the word “security” the following:- or other telecommunications.

SECTION 8. Said section 1 of said chapter 141, as so appearing, is hereby further amended by inserting after the definition of “Systems technician”, the following new definition:-

"Telecommunications", any inherently powered limited system, including fire warning or security, involved in the sending or receiving at a distance voice, sound, data, or video transmissions. This definition shall also include the placing, installing, repairing, maintaining, altering, servicing or testing of any cables or telecommunications equipment on poles, in manholes, vaults, buildings, or in central switching offices. This definition shall also include cabling infrastructure and products that transport voice, video, audio, sound, and data signals in a commercial or residential premises; and products that capture and display or otherwise annunciate signals, including those that send signals to other applications up to the point of convergence of such applications.

SECTION 9. Section 1A of said chapter 141, as so appearing, is hereby amended by striking it in its entirety and inserting in place thereof the following:-

Section 1A.  No person, firm, corporation or other entity shall enter into, engage in, or work at the business or occupation of installing wires, conduits, apparatus, devices, fixtures, or other appliances for carrying or using electricity for light, heat, power, fire warning or security or other telecommunications purposes, or for the purposes of any other system as defined in this chapter, unless such person, firm, corporation or other entity shall be licensed by the state electrical and telecommunications examiners in accordance with this chapter and, with respect to security systems, unless such person, firm, corporation or entity shall also be licensed by the commissioner of public safety in accordance with the provisions of sections 57 to 61, inclusive, of chapter 147.

This chapter shall not apply to: a person not engaged in the business described in this section who employs or contracts for the services of a person, firm, corporation or other entity engaged in such business; or to an apprentice employed by a person, firm, corporation, or other entity licensed in accordance with this chapter; or to an agent, employee or assistant of a person, firm, corporation or other entity licensed in accordance with this chapter who does not engage in or perform the actual work described in this section.

SECTION 10. Section 2 of said chapter 141, as so appearing, is hereby amended by striking out, in line 1, the words “examiners of electricians” and inserting in place thereof the following:- electrical and telecommunications examiners.

SECTION 11. Section 3 of said chapter 141, as so appearing, is hereby amended by striking out, each time it appears, the words “examiners of electricians” and inserting in place thereof the following:- electrical and telecommunications examiners.

SECTION 12. Said section 3 of said chapter 141, as so appearing, is hereby further amended by striking out, in lines 3 and 4, the words, “; certificate C, known as systems contractor’s license; and certificate D, known as systems technician’s license”.

SECTION 13. Said section 3 of said chapter 141, as so appearing, is hereby further amended by striking out subparagraphs (3) and (4).

SECTION 14. Section 5 of said chapter 141, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following new paragraph:-

            Any person, firm, corporation or other entity, or employee thereof, and any representative, member or officer of such firm or corporation individually, entering upon or engaging in the business and work hereinbefore defined, without having complied with this chapter, shall for the first offense be punished by a fine of not less than $100 nor more than $1,000, and for a subsequent offense by a fine of not less than $500 nor more than $2,500 or by imprisonment in the house of correction for six months, or both.

SECTION 15. Section 8 of said chapter 141, as so appearing, is hereby amended by inserting after the word “forty-one”, in line 20, the following words:- , 141A

SECTION 16. The General Laws are hereby amended by inserting after chapter 141 the following new chapter:-

CHAPTER 141A

SUPERVISION OF TELECOMMUNICATIONS PROFESSIONALS

Section 1. The following words as used in this chapter shall, unless the context clearly requires otherwise, have the following meanings:

“Board”, the licensing authority known as the board of electrical and telecommunications examiners.

"Data", the operation of apparatus for transmission of digitized information between distant points with or without connecting wires.

“Design”, the act of creating a document, either manually or electronically, that defines the layout, placement or configuration of telecommunications infrastructure components or 1 or more physical topologies; trunking or 1 or more distribution routings or their material components; telecommunication outlet locations or their material components; telecommunication closet locations or their material components for the purpose of defining telecommunications work within this chapter. This definition does not include information shared with a customer in the ordinary course of business by a salesperson or other agent consistent with section 81R of chapter 112 or the recording of changes to a design that reflects field changes made during installation of the telecommunications detailed in the said document.

"Fire warning system", an inherently power limited system of wires, conduits, apparatus, devices, fixtures 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.

“Residential dwelling”, a dwelling with one or more rooms for the use of one or more persons as a housekeeping unit with space for eating, living and sleeping, and permanent provisions for sanitation.

"Security system", an inherently power limited system of wires, conduits, apparatus, devices, fixtures, or other appliances 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.

"Sound", the use or operation of apparatus for transmission of sounds and especially music and/or speech between distant points with or without connecting wires for broadcast or disbursement over a defined area.

"Telecommunications", any inherently powered limited system, including fire warning or security, involved in the sending or receiving at a distance voice, sound, data, or video transmissions. This definition shall also include the placing, installing, repairing, maintaining, altering, servicing or testing of any cables or telecommunications equipment on poles, in manholes, vaults, buildings, or in central switching offices. This definition shall also include cabling infrastructure and products that transport voice, video, audio, sound, and data signals in a commercial or residential premises; and products that capture and display or otherwise annunciate signals, including those that send signals to other applications up to the point of convergence of such applications.

"Telecommunications Contractor", a person, firm, corporation, entity or partnership who, by the employment of licensed telecommunications technicians or apprentices performs the work of telecommunications in accordance with the provisions of this chapter.

"Telecommunications device”, an analog or digital electronic device, which processes data, telephony, video or sound transmission as part of telecommunications.

"Telecommunications Technician", an individual qualified to do the work of design or integration, installation, repair, alteration, and field maintenance, testing or servicing of telecommunications. fire warning, security, or other inherently powered limited systems as attested by his or her licensing as a telecommunications technician in the commonwealth.

"Telephony", the use or operation of apparatus for transmission of sounds and especially speech between distant points with or without connecting wires.

"Video", the use or operation of apparatus for transmission of image(s) between distant points reproduced through electrical or other means with or without connecting wires.

Section 2.  (a) Except as provided for in paragraph (b), a license shall be issued to any person who has passed the examination and meets all requirements provided for within this chapter for any telecommunications license described herein. The following forms of license shall be issued: certificate TC, known as telecommunications contractor license; and certificate TT, known as telecommunications technician license.

(1) Certificate TC shall be issued to any person qualified under this chapter representing themselves, individually, or a firm, corporation or entity engaging in or about to engage in, the business of designing, installing, repairing, maintaining, altering, testing or servicing telecommunications. Qualification shall be evidenced by passing the examination for both of the 2 licenses described in this section, and applicants who hold an equivalent out of state license, as determined by the board, issued by another state shall be allowed to take the certificate TC license examination. Applicants for the certificate TC license who hold no equivalent form of certificate TC license issued in another state but show proof of at least 3 years of verifiable and continuous contracting experience will be allowed to take the certificate TC license examination. Applicants who do not meet these qualifications shall have held a certificate TT license for at least 3 years immediately preceding the date of application, together with 75 hours in business related courses or proof of equivalent knowledge base for contractors in the relevant laws, codes and regulations of the commonwealth in order to qualify to take the TC examination.

(2) Certificate TT shall be issued to any person who has passed the examination as defined within this chapter. The holding of a certificate TT license shall entitle the holder individually to engage in the occupation of telecommunications technician and perform telecommunications work as described in this chapter.

(b) Persons who hold a valid certificate C or D license issued under chapter 141 shall, notwithstanding the provisions of this chapter and without further examination, certification, qualification, licensure, registration or fee be granted a respective certificate TC or TT license that meets all requirements provided for within this chapter for any telecommunications work upon expiration and surrender of said certificate C or D license to the board.

Section 3. The provisions of this chapter shall not apply to:

(a) The work and equipment employed in connection with the operation of signals, or the transmission of intelligence, and performed by an employee of a municipality, state agency, or where that work and equipment is an integral part of the communication system owned and operated by a municipality, state agency and not in contact with the general public or providing the general public with these services;

(b) Companies and the employees of companies who are regulated by the department of telecommunications and cable or the department of public utilities; and

(c) municipal lighting plants and their employees.

This chapter shall not forbid the work of any person who holds a registration as a professional engineer or RCDD in the commonwealth in the performance of their normal duties.

Section 4. (a) The board shall issue certificates to individuals who have qualified to engage in telecommunications work under the provisions of this chapter.  Upon review of the recommendations of the telecommunications policy advisory committee, established under section 32B of chapter 13, the board may establish such rules and regulation for the issuance and renewal of certificates as it deems appropriate.

(b) The board shall have the power to suspend, revoke or annul certificates in accordance with the provisions of this chapter.  In all disciplinary proceedings brought pursuant to this chapter, the board shall have the power to administer oaths, to summon witnesses, and to compel the production of documents in accordance with the procedures applicable in the superior court.  Upon failure of any person to appear or produce documents in accordance with the boards’ order, the board may apply to a court of any jurisdiction to enforce compliance.

Section 5. (a) Except as provided in section 6, no person, firm, corporation or other entity shall provide or offer to install, repair, maintain, alter, test or service telecommunications in the commonwealth or use any title, sign, card or device implying that the person, firm, corporation or other entity is qualified to provide said services unless said person, firm, corporation or other entity is the beneficial holder of a currently valid certificate A or B license issued pursuant chapter 141, or certificate TC or TT license issued pursuant to this chapter and, with respect to security systems, unless such person, firm, corporation or other entity shall also be licensed by the commissioner of public safety in accordance with the provisions of sections 57 to 61, inclusive, of chapter 147.

This chapter shall not apply to: a person not engaged in the business described in this section who employs or contracts for the services of a person, firm, corporation or other entity engaged in such business; or to an apprentice employed by a person, firm or corporation licensed in accordance with this chapter; or to an agent, employee or assistant of a person, firm, corporation or other entity licensed in accordance with this chapter who does not engage in or perform the actual work described in this section.

(b) Any person, partnership, corporation or other entity which violates paragraph (a) shall be guilty of a misdemeanor and upon conviction by a court of competent jurisdiction shall be sentenced to pay a fine of not more than $500 for the first offense, and a fine of not less than $500 nor more than $1,000 for each subsequent offense or imprisonment for not more than 1 year or both.

(c) The board shall have the power to institute injunction proceedings in superior court to prevent violations of paragraph (a).

Section 6. No holder of a valid certificate C or D license, under chapter 141, shall be liable for prosecution for installing, repairing, maintaining, altering, testing or servicing telecommunications for which a license is required under this chapter before the holder’s next scheduled license renewal.

Section 7. (a) Applications for certificate TC and TT licenses required by the provisions of this chapter shall be filed with the board.  If the applicant is an individual the application shall be subscribed and sworn to by such individual.  If the applicant is a firm, corporation or other entity, the application shall be subscribed and sworn to by an owner in the case of a firm, and by at least 1 general partner in the case of a partnership, and by a corporate officer in the case of a corporation. If the applicant is an individual and does not reside, operate a telecommunications contracting business or is not employed within the commonwealth, or if in the event the applicant is a firm, partnership, corporation or other entity and no owner or general partner or corporate officer resides or is employed within the commonwealth, then the application must also be subscribed and sworn to by an individual having the authority and the responsibility for the management and operations of the business within the commonwealth.

(b) If the applicant is a corporation, the application shall specify the date and place of its incorporation, the location of the applicant's principal place of business, a list of the principal officers of the corporation, owners of 25 per cent or more of outstanding stock of all classes of the corporation, and the business address, residence address and the office or position held by each such officer in the corporation.

(c) The application shall include the following information for each individual required subscribing and swearing to it:

(1) The individual's full name and address (business and residence);

(2) The individual's business and residence telephone number;

(3) The individual's date and place of birth;

(4) A head and shoulders photograph (passport photo) taken within three months prior to the date of the submission of the application;

(5) The name and address of the individual's relevant past and present employment; name, address, and telephone number of supervisor and the length of time engaged therein;

(6) Evidence of experience as required by subsection (g) of this section.

(d) Applicants for certificate TC license shall include the following information concerning the applicant:

(1) The name, address and telephone number of the business;

(2) A sworn statement as to the length of time that the applicant has been engaged in the telecommunications business.

(3) Evidence of experience based upon proof of valid certificate C or certificate D licensure, under chapter 141, or as required by subsection (g) of this section.

(e) The board may require that the application include any other information which the licensing board may reasonably deem necessary to determine whether the applicant or individual signing the application meets the requirements of this chapter or to establish the truth of the facts set forth in the application.

(f) Any individual signing a license application must be at least 18 years of age.

(g) Applicants may submit as evidence of experience the following:

(1) Complete forms as approved by the board with employment verified by the qualified employer and signed under any of the penalties set forth for making false statements as evidence of experience.

(2) A valid license issued under any provision of this chapter by the board.

(3) Documentary evidence of experience while serving with the armed forces of the United States indicating formal training, job classification, job description, length of job assignment and such other evidence as may reasonably be required by the board in order to determine suitability.

(4) Anyone having evidence of experience other than as outlined above may submit such to the board for consideration for approval.

Section 8. (a) The board shall establish suitable rules and regulations for the examination and licensing of telecommunications technicians and contractors and also for governing the practice of telecommunications.  This shall not include any prohibition of employment of a properly licensed telecommunication technician or contractor.

(b) The board shall hold examinations for individuals applying for licensing at least twice each year, provided that there are applicants qualified under this chapter.

(c) The board shall establish such rules and regulations for the examination of applicants so as to assure the technical skill of the applicant as defined within this chapter as it deems appropriate.

(d) Examination papers and applications for certificate TC or certificate TT, shall be preserved for at least 2 years, after which time they may, at the discretion of the board, be destroyed.

Section 9. (a) Any person qualified to obtain a certificate TC or certificate TT license who is prevented from making application wherefore by reason of service in the armed forces of the United States shall have 6 months after discharge or release from active duty to make such application.

(b) On and after such date as the department of telecommunications and cable no longer regulates a telephone company, a corporate affiliate of such telephone company, or a service provided by such company or corporate affiliate, the board shall issue an appropriate license as provided in this chapter, to any person who is an employee for at least 2 years serving as a technician 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 this chapter and who applies for any such licenses in accordance with the provisions of this chapter not later than 6 months after such date, provided 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 of the board applicable to such licensure.

Section 10. (a) Application for renewal of a license must be received by the board no less than 30 days prior to the expiration date of the license, and may be renewed by the same person, firm, corporation, or other entity acting by one or more of its members or officers, without further examination, upon payment of a fee, application thereof being made during said month and subject to the right of the board to permit late filing upon good cause shown.

(b) The licensing authority may refuse to renew a license for cause set forth in section 14 of this chapter and it shall promptly notify the licensee of its intent to refuse to renew the license.  The licensee may, within 15 days after receipt of the notice of intent to refuse to renew a license, request a hearing on that refusal in the manner prescribed in chapter 30A.  A licensee shall be permitted to continue to engage in the business permitted by such license while its renewal application is pending.

(c) Every certificate shall expire on July 31st with a triennial renewal frequency (3 years).  A person, firm, corporation, or other entity may renew his license by payment of the renewal fee required.  A person, firm, corporation, or other entity who fails to renew his license prior to said date may not thereafter renew his license except upon payment of the renewal fee and the additional fee required by this chapter; provided however, that such renewal license shall not constitute its holder a licensee for any period preceding its issue.

Section 11. (a) Upon payment of the fees required by this chapter, an individual who has complied with the requirements of this chapter shall be entitled to a certificate or identification card indicating that he is qualified for licensure under the provisions of this chapter.

(b) Each certificate shall contain the name of the individual to whom it was issued and his form of license, address, serial number and expiration date.

(c) Each individual identification card shall contain the name of the individual to whom it was issued, a head and shoulders picture (passport type) taken within 3 months prior to the date of issuance of the identification card.

(d) Holders of certificate TC shall keep their certificates of registration displayed in a conspicuous place in their principal offices of places of business. The board shall furnish holders of certificate TT with evidence of having been so licensed by the board in card form or otherwise, which shall be carried on the person of the licensee and exhibited on request.

(e) A duplicate certificate or identification card to replace one that has been lost, destroyed or mutilated may be issued by the board upon payment of the fee required by this chapter.

Section 12. (a) The fees paid by an applicant for filing an application for examination, for the examination, for renewal, for renewal of an expired certificate, or for issuance of a duplicate certificate shall be in accordance with the section entitled "Fees", of the by-laws of the board.

(b) All fees or other moneys collected under the provisions of this chapter shall be paid to and received by the treasurer of the commonwealth who shall keep those moneys in a separate fund administered by the director of the office of consumer affairs and business regulation. All fees paid into the fund shall be used to reimburse the board for expenses incurred in the administration and enforcement of this chapter.  The controller is authorized and directed to draw his orders upon the treasurer of the commonwealth for payment from the fund, upon receipt by the controller of vouchers authenticated by the chairman or secretary of the board.

Section 13. (a) All administrative procedures in this chapter shall be consistent with those of chapter 141.  The secretary of the board shall keep a record of its proceedings.  The record shall include the name, age, and last known address of each applicant for registration, information concerning each applicant's education, experience and other qualifications, the text of all examinations administered and the results thereof and such other information as the board deems appropriate.  The record of the board shall be prima facie evidence of the proceedings and a certified transcript by the secretary shall be admissible in evidence with the same force and effect as if the original were produced.

(b) The board shall maintain a roster of technicians and contractors.  Copies of the roster shall be made available annually to federal agencies within the state, city and town officials, and may be distributed or sold to the public.

(c) The secretary of the board shall receive and account for all moneys derived from the activities of the board and shall submit to the governor and the legislature a report of its transactions of the preceding year.

Section 14. (a) The board may refuse to issue a certificate, or may revoke or annul a certificate, or may suspend a certificate for any of the following acts:

1. Bribery, fraud, or misrepresentation in obtaining a license.

2. Performing or engaging in the installation, repair, maintenance, alteration, service, or testing of telecommunications in another state or country in violation of the laws of that state or country.

3. Performing or engaging in the installation, repair, maintenance, alteration, service or testing of telecommunications in this state in violation of the provisions of this chapter or standards of professional conduct established and published by the board.

4. Fraud, deceit, recklessness, gross negligence, or incompetence in the installation, repair, maintenance, alteration service, or testing of telecommunications.

5. Use of a license serial number in a manner other than that authorized by this chapter.

(b) The director of the office of consumer affairs, division of professional licensure shall be authorized to provide assistance to the board in the normal day-to-day enforcement and administration of this chapter.  Such assistance shall be in accordance with sections entitled "Administration" and "Enforcement" of the by-laws of the board.  All administrative guidance to the board shall be consistent with chapter 30A.

(c) Any person may refer charges against an applicant or licensee under subsection (a) of this section by submitting a written statement of charges, sworn to by the complainant with the secretary of the board.  In addition, the board may, on its own motive, investigate the conduct of an applicant or licensee, and shall, in appropriate cases, file a written statement of charges with the secretary.  The board shall hear and determine all charges within three months after the date on which the secretary received the statement of charges.  The board shall fix the time and place of the hearing.  The applicant or licensee charged shall be entitled to be represented by counsel.  Any member of the board may administer oaths and conduct examinations.  If, after hearing, a majority of the board shall find the accused applicant or licensee guilty of the charges, or any one of the charges, it may refuse to issue a license to the accused applicant, or it may revoke or suspend the license of the accused licensee.

(d) The board may, in its discretion, reissue a license revoked or suspended under subsection (b) of this section upon presentation of suitable evidence of reform.

(e) Either the complainant or respondent in any enforcement action brought before the board may appeal the ruling of the board to the division of administrative law appeals.  The director may, for just cause, return the matter to the board for reconsideration.  Enforcement action on this matter will be suspended during this appeal process. Any appeal brought under this provision must be made to the division of administrative law appeals within 30 calendar days from the date of the original ruling of the board.  Said appeal must be acted upon by the division of administrative law appeals within 30 calendar days from receipt. The board shall return a determination of the reconsideration within 60 calendar days from the date of return from the division of administrative law appeals. There shall be right to appeal of the reconsideration, should either party choose, through the courts.

(f) The attorney general or his designee shall act as legal advisor to the board and shall render such legal assistance as may be necessary in carrying out the provisions of this chapter.  The board may employ counsel and other necessary assistance to be appointed by the governor to aid in the enforcement of this chapter, and the compensation and expenses therefore shall be paid from the fund of the board.

Section 15. The provisions of this chapter are severable, and if any section shall be declared invalid or void for any reason, the remainder of this chapter shall not be affected or impaired.

SECTION 17. No apprentice in a telecommunications program, electrician’s program, including any program that complies with chapter 141 systems technician certificate D license education and training requirements, or Fire Alarm and Security Systems program that is registered and complies with sections 11E though 11W of chapter 23 shall be deprived of any credits, hours, or other quantifiable credentials as a result of the passage of this act. The board of electrical and telecommunication examiners, in consultation with the telecommunications policy advisory committee, shall move to accept all verifiable hours, credits or other credentials earned in any approved training or apprentice program.

SECTION 18. (a) For the first 12 months following the effective passage of this Act no person shall be liable for prosecution for installing, repairing, maintaining, altering, testing or servicing telecommunications as defined by chapter 141A for which a license is required under chapter 141A if the work is not subject to certificate C or D license work under chapter 141.

SECTION 19. After the effective date of this Act, and for not less than 1 year nor more than 2 years at the discretion of the board of electrical and telecommunications examiners following effective date of passage of provisions of this Act, the board shall, without examination, issue a certificate TC or certificate TT license, established under section 141A, to any applicant who shall present satisfactory evidence that he has the qualifications for the type of license applied for, or any applicant who shows proof of at least 3 years of verifiable and continuous contracting experience in the commonwealth.  Should the board reject the applicant’s qualifications for fire warning or for security system recognition under chapter 147, the applicant shall receive a restricted certificate TC or TT license, and retain the right to take the test for the fire warning or seek security system qualification under said chapter 147 within a reasonable period of time. The requirements and procedure for the issuance of such restricted certificate TC or TT licenses shall be determined by the board as board policy and shall be set forth in written form.

SECTION 20. Not more than 6 months after the effective date of this Act, the board of electrical and telecommunications examiners shall notify all certificate C and D licensees of the provisions contained in the Act that apply to the telecommunications trade. The board shall notify all certificate C and D licensees of the time period in which the grandfathering provisions of the law will prevail and also, inform all certificate C and D licensees of the proposed end date of the certificate C and D license validity; provided that the date shall not exceed 5 years from the effective date of this Act.