

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Harold P. Naughton, Jr.**

*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 telecommunications professionals.**

PETITION OF:

NAME:

Harold P. Naughton, Jr.

DISTRICT/ADDRESS:

12th Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 279 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 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:*

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

1           SECTION 1. Chapter 13 of the General Laws, as appearing in the 2006 official edition,  
2 is hereby amended by striking out section 32 entirely, and inserting in place thereof the following  
3 new section:-

4  
5 Section 32. There shall be a board of electrical and telecommunications examiners, hereinafter,  
6 called the board, which shall consist of the state fire marshal, the associate commissioner for the  
7 division of occupational education in the department of education, ex officio, and 10 persons to  
8 be appointed for terms of 3 years each by the governor. One of said appointees shall be a  
9 representative of the public, subject to the provisions of section 9B and 1 shall be a local wiring  
10 inspector who is an electrician licensed under chapter 141. Eight of said appointees shall be  
11 citizens of the commonwealth: 1 of whom shall be a master electrician who holds a certificate A  
12 license issued under said chapter 141 and has at least 10 years experience as an employing  
13 master electrician; 1 shall be a master electrician who holds certificate A and certificate B  
14 licenses issued under said chapter 141, is actively engaged in such business and has at least 10  
15 years experience as an employing master electrician; 1 shall be a journeyman electrician who  
16 holds a certificate B license issued under said 141, is a wage earner and has at least 10 years

17 practical experience in the installation of wires and appliances for carrying electricity for light,  
18 heat or power purposes; 2 shall be a telecommunications contractor who holds a certificate TC  
19 license issued under chapter 141A, is actively engaged in the business of design, installation,  
20 repair, maintenance, alteration, service, or the testing of telecommunications as defined in said  
21 chapter 141A as his principal business and has at least 10 years experience as an employing  
22 telecommunications contractor; 2 shall be a telecommunications technician who holds a  
23 certificate TT license issued under said chapter 141A, is a wage earner and has at least 10 years  
24 practical experience in the design, installation, repair, maintenance, alteration, service or the  
25 testing of telecommunications; provided however that nothing shall preclude completion of any  
26 term of appointment of any certificate C license or certificate D license holder; and one shall be a  
27 representative of the New England Section of the International Municipal Signal Association  
28 who holds at least a level I competency certificate from said association, is a municipal employee  
29 and has at least 10 years practical experience in the design, installation, repair, maintenance,  
30 alteration, service or the testing of fire warning or signaling systems. The state fire marshal shall  
31 be chairman. The board shall appoint an executive secretary who shall be a wage earner, a citizen  
32 of the commonwealth, and a practical electrician of at least 10 years' experience in such  
33 installation. The board may also appoint, subject to chapter 31, such other clerical and technical  
34 assistants as may be necessary to discharge its duties under chapter 141 and 141A and shall  
35 establish their duties. The members, ex officio, shall receive no compensation for their services  
36 under chapter 141 and 141A, but the appointive members shall each receive for their services  
37 thereunder a salary of \$750. The board may expend for the salaries of the appointive members  
38 and of the secretary and other employees and for necessary traveling and other expenses for  
39 themselves and their employees such sums as are annually appropriated therefor.

40  
41 SECTION 2. Section 32A of said chapter 13, as so appearing, is hereby amended by striking out  
42 the first 2 sentences and inserting in place thereof the following 2 new sentences:- There shall be  
43 a board of electricians and telecommunications professionals' appeals, whose membership shall  
44 consist of the members of the state electrical and telecommunications examiners. The chairman  
45 of the state electrical and telecommunications examiners shall be the chairman of said board.

46  
47 SECTION 3. Said section 32A of said chapter 13, as so appearing, is hereby further amended by  
48 striking out the last paragraph and inserting in place thereof the following paragraph:-

49  
50 The board of electrical and telecommunications examiners shall assign such clerical, technical  
51 and other assistance as may be required by the board of electricians and telecommunications  
52 professionals' appeals.

53  
54 SECTION 4. Said chapter 13, as so appearing, is hereby further amended by inserting after  
55 section 32A, the following new section:-

56  
57 Section 32B. There shall be established a telecommunications policy advisory committee for the  
58 purpose of advising the board of electrical and telecommunications examiners on establishing  
59 criteria for state licensure, requirements or regulations governing the performance of state-  
60 licensed telecommunications technicians and telecommunications contractors in accordance with  
61 chapter 141A, and other pertinent subject matter. The advisory committee shall be composed of  
62 9 members: 1 shall be an electrical inspector serving a city or town in the commonwealth; 1 shall

63 be the state fire marshal, or a designee who is knowledgeable in codes and regulations involving  
64 telecommunications; and 7 shall be telecommunications professionals who have been actively  
65 engaged in the design, installation, repair, maintenance alteration, service or the testing of  
66 telecommunications, as defined by chapter 141A, for at least 10 consecutive years immediately  
67 prior to appointment and who shall be qualified for licensing under the provisions of chapter  
68 141A of which: 1 of whom shall be a telecommunications contractor as defined in chapter 141A;  
69 1 of whom shall have expertise in “data” as defined in chapter 141A; 1 of whom shall have  
70 expertise in “sound” as defined in chapter 141A; 1 of whom shall have expertise in “telephony”  
71 as defined in chapter 141A; 1 of whom shall have expertise in “fire warning systems” as defined  
72 in chapter 141A; 1 of whom shall have expertise in “security systems” as defined in chapter  
73 141A; and 1 of whom shall have expertise in “video” as defined in chapter 141A. The members  
74 shall be residents of the state for at least 3 consecutive years prior to appointment. The members  
75 shall be appointed by the governor from a list of qualified candidates provided by industry  
76 representatives. Not more than one member shall be directly employed with or by any single  
77 business, firm or corporation. In establishing recommendations to the board, the advisory  
78 committee shall review and consider existing education courses, including, but not limited to,  
79 national industry specific certification programs meeting the curriculum requirements established  
80 by the board under chapter 141. The advisory committee shall recommend to the board a  
81 process to be approved by the board by which any person or entity offering board-approved  
82 education courses shall maintain board approval for the education courses and be permitted to  
83 amend the course of education to maintain consistency with curriculum requirements for  
84 telecommunications licensees without risk of program disapproval. The advisory committee  
85 shall recommend to the board a process to be approved by the board by which any person  
86 completing a board-approved course of education and hours of practical experience qualifying  
87 for education credit and hours of practical experience under chapter 141, shall be credited for  
88 applicable credit or hours as an applicant for licensure under 141A. The advisory committee  
89 shall submit its recommendations to the board for approval of any proposed policy, rule or  
90 regulation, except emergency rules or regulations, affecting the activities of telecommunications  
91 contractor and technician licensees under chapter 141A. Records of the meetings of the policy  
92 advisory committee shall be open for inspection at all times, and the policy advisory committee  
93 shall have printed annually a packet of their proposed regulations to the board.

94  
95 SECTION 5. Section 1 of said chapter 141 of the General Laws, as so appearing, is hereby  
96 further amended, in line 15, by inserting after the word “security” the following:- or other  
97 telecommunications.

98  
99 SECTION 6. Said section 1 of said chapter 141, as so appearing, is hereby further amended by  
100 inserting after the word “purposes”, in lines 15 and 20, in each instance, the following words:-,  
101 or for the purpose of any other system as defined in this section.

102  
103 SECTION 7. Said section 1 of said chapter 141, as so appearing, is hereby further amended, in  
104 line 20, by inserting after the word “security” the following:- or other telecommunications.

105  
106 SECTION 8. Said section 1 of said chapter 141, as so appearing, is hereby further amended by  
107 inserting after the definition of “Systems technician”, the following new definition:-

108

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

118  
119 SECTION 9. Section 1A of said chapter 141, as so appearing, is hereby amended by striking it in  
120 its entirety and inserting in place thereof the following:-

121  
122 Section 1A. No person, firm, corporation or other entity shall enter into, engage in, or work at  
123 the business or occupation of installing wires, conduits, apparatus, devices, fixtures, or other  
124 appliances for carrying or using electricity for light, heat, power, fire warning or security or other  
125 telecommunications purposes, or for the purposes of any other system as defined in this chapter,  
126 unless such person, firm, corporation or other entity shall be licensed by the state electrical and  
127 telecommunications examiners in accordance with this chapter and, with respect to security  
128 systems, unless such person, firm, corporation or entity shall also be licensed by the  
129 commissioner of public safety in accordance with the provisions of sections 57 to 61, inclusive,  
130 of chapter 147.

131  
132 This chapter shall not apply to: a person not engaged in the business described in this section  
133 who employs or contracts for the services of a person, firm, corporation or other entity engaged  
134 in such business; or to an apprentice employed by a person, firm, corporation, or other entity  
135 licensed in accordance with this chapter; or to an agent, employee or assistant of a person, firm,  
136 corporation or other entity licensed in accordance with this chapter who does not engage in or  
137 perform the actual work described in this section.

138  
139 SECTION 10. Section 2 of said chapter 141, as so appearing, is hereby amended by striking out,  
140 in line 1, the words "examiners of electricians" and inserting in place thereof the following:-  
141 electrical and telecommunications examiners.

142  
143 SECTION 11. Section 3 of said chapter 141, as so appearing, is hereby amended by striking out,  
144 each time it appears, the words "examiners of electricians" and inserting in place thereof the  
145 following:- electrical and telecommunications examiners.

146  
147 SECTION 12. Said section 3 of said chapter 141, as so appearing, is hereby further amended by  
148 striking out, in lines 3 and 4, the words, "; certificate C, known as systems contractor's license;  
149 and certificate D, known as systems technician's license".

150  
151 SECTION 13. Said section 3 of said chapter 141, as so appearing, is hereby further amended by  
152 striking out subparagraphs (3) and (4).

153

154 SECTION 14. Section 5 of said chapter 141, as so appearing, is hereby amended by striking out  
155 the first paragraph and inserting in place thereof the following new paragraph:-  
156

157 Any person, firm, corporation or other entity, or employee thereof, and any  
158 representative, member or officer of such firm or corporation individually, entering upon or  
159 engaging in the business and work hereinbefore defined, without having complied with this  
160 chapter, shall for the first offense be punished by a fine of not less than \$100 nor more than  
161 \$1,000, and for a subsequent offense by a fine of not less than \$500 nor more than \$2,500 or by  
162 imprisonment in the house of correction for six months, or both.  
163

164 SECTION 15. Section 8 of said chapter 141, as so appearing, is hereby amended by inserting  
165 after the word “forty-one”, in line 20, the following words:- , 141A  
166

167 SECTION 16. The General Laws are hereby amended by inserting after chapter 141 the  
168 following new chapter:-  
169

170 CHAPTER 141A

171  
172 SUPERVISION OF TELECOMMUNICATIONS PROFESSIONALS  
173

174 Section 1. The following words as used in this chapter shall, unless the context clearly requires  
175 otherwise, have the following meanings:  
176

177 “Board”, the licensing authority known as the board of electrical and telecommunications  
178 examiners.  
179

180 "Data", the operation of apparatus for transmission of digitized information between distant  
181 points with or without connecting wires.  
182

183 “Design”, the act of creating a document, either manually or electronically, that defines the  
184 layout, placement or configuration of telecommunications infrastructure components or 1 or  
185 more physical topologies; trunking or 1 or more distribution routings or their material  
186 components; telecommunication outlet locations or their material components;  
187 telecommunication closet locations or their material components for the purpose of defining  
188 telecommunications work within this chapter. This definition does not include information  
189 shared with a customer in the ordinary course of business by a salesperson or other agent  
190 consistent with section 81R of chapter 112 or the recording of changes to a design that reflects  
191 field changes made during installation of the telecommunications detailed in the said document.  
192

193 "Fire warning system", an inherently power limited system of wires, conduits, apparatus,  
194 devices, fixtures or other appliances installed and interconnected electrically or electronically for  
195 the detection of heat, smoke, or products of combustion, or for the transmission of signals or  
196 audible alarms.  
197

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

201

202 "Security system", an inherently power limited system of wires, conduits, apparatus, devices,  
203 fixtures, or other appliances installed and interconnected electrically or electronically to permit  
204 access control, proprietary signaling, surveillance and the detection of burglary, intrusion,  
205 holdup, or other conditions requiring response or the transmission of signals or audible alarms.

206

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

210

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

220

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

224

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

227

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

232

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

235

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

238

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

244  
245 (1) Certificate TC shall be issued to any person qualified under this chapter representing  
246 themselves, individually, or a firm, corporation or entity engaging in or about to engage in, the  
247 business of designing, installing, repairing, maintaining, altering, testing or servicing  
248 telecommunications. Qualification shall be evidenced by passing the examination for both of the  
249 2 licenses described in this section, and applicants who hold an equivalent out of state license, as  
250 determined by the board, issued by another state shall be allowed to take the certificate TC  
251 license examination. Applicants for the certificate TC license who hold no equivalent form of  
252 certificate TC license issued in another state but show proof of at least 3 years of verifiable and  
253 continuous contracting experience will be allowed to take the certificate TC license examination.  
254 Applicants who do not meet these qualifications shall have held a certificate TT license for at  
255 least 3 years immediately preceding the date of application, together with 75 hours in business  
256 related courses or proof of equivalent knowledge base for contractors in the relevant laws, codes  
257 and regulations of the commonwealth in order to qualify to take the TC examination.

258  
259 (2) Certificate TT shall be issued to any person who has passed the examination as defined  
260 within this chapter. The holding of a certificate TT license shall entitle the holder individually to  
261 engage in the occupation of telecommunications technician and perform telecommunications  
262 work as described in this chapter.

263  
264 (b) Persons who hold a valid certificate C or D license issued under chapter 141 shall,  
265 notwithstanding the provisions of this chapter and without further examination, certification,  
266 qualification, licensure, registration or fee be granted a respective certificate TC or TT license  
267 that meets all requirements provided for within this chapter for any telecommunications work  
268 upon expiration and surrender of said certificate C or D license to the board.

269  
270 Section 3. The provisions of this chapter shall not apply to:

271  
272 (a) The work and equipment employed in connection with the operation of signals, or the  
273 transmission of intelligence, and performed by an employee of a municipality, state agency, or  
274 where that work and equipment is an integral part of the communication system owned and  
275 operated by a municipality, state agency and not in contact with the general public or providing  
276 the general public with these services;

277  
278 (b) Companies and the employees of companies who are regulated by the department of  
279 telecommunications and cable or the department of public utilities; and

280  
281 (c) municipal lighting plants and their employees.

282  
283 This chapter shall not forbid the work of any person who holds a registration as a professional  
284 engineer or RCDD in the commonwealth in the performance of their normal duties.

285  
286 Section 4. (a) The board shall issue certificates to individuals who have qualified to engage in  
287 telecommunications work under the provisions of this chapter. Upon review of the  
288 recommendations of the telecommunications policy advisory committee, established under



289 section 32B of chapter 13, the board may establish such rules and regulation for the issuance and  
290 renewal of certificates as it deems appropriate.

291

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

298

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

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

314 (b) Any person, partnership, corporation or other entity which violates paragraph (a) shall be  
315 guilty of a misdemeanor and upon conviction by a court of competent jurisdiction shall be  
316 sentenced to pay a fine of not more than \$500 for the first offense, and a fine of not less than  
317 \$500 nor more than \$1,000 for each subsequent offense or imprisonment for not more than 1  
318 year or both.

319

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

322

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

327

328 Section 7. (a) Applications for certificate TC and TT licenses required by the provisions of this  
329 chapter shall be filed with the board. If the applicant is an individual the application shall be  
330 subscribed and sworn to by such individual. If the applicant is a firm, corporation or other entity,  
331 the application shall be subscribed and sworn to by an owner in the case of a firm, and by at least  
332 1 general partner in the case of a partnership, and by a corporate officer in the case of a  
333 corporation. If the applicant is an individual and does not reside, operate a telecommunications  
334 contracting business or is not employed within the commonwealth, or if in the event the

335 applicant is a firm, partnership, corporation or other entity and no owner or general partner or  
336 corporate officer resides or is employed within the commonwealth, then the application must  
337 also be subscribed and sworn to by an individual having the authority and the responsibility for  
338 the management and operations of the business within the commonwealth.

339

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

345

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

348

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

350

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

352

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

354

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

357

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

360

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

362

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

365

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

367

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

370

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

373

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

378

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

380

381 (g) Applicants may submit as evidence of experience the following:  
382

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

386  
387 (2) A valid license issued under any provision of this chapter by the board.  
388

389 (3) Documentary evidence of experience while serving with the armed forces of the United  
390 States indicating formal training, job classification, job description, length of job assignment and  
391 such other evidence as may reasonably be required by the board in order to determine suitability.  
392

393 (4) Anyone having evidence of experience other than as outlined above may submit such to the  
394 board for consideration for approval.  
395

396 Section 8. (a) The board shall establish suitable rules and regulations for the examination and  
397 licensing of telecommunications technicians and contractors and also for governing the practice  
398 of telecommunications. This shall not include any prohibition of employment of a properly  
399 licensed telecommunication technician or contractor.  
400

401 (b) The board shall hold examinations for individuals applying for licensing at least twice each  
402 year, provided that there are applicants qualified under this chapter.  
403

404 (c) The board shall establish such rules and regulations for the examination of applicants so as to  
405 assure the technical skill of the applicant as defined within this chapter as it deems appropriate.  
406

407 (d) Examination papers and applications for certificate TC or certificate TT, shall be preserved  
408 for at least 2 years, after which time they may, at the discretion of the board, be destroyed.  
409

410 Section 9. (a) Any person qualified to obtain a certificate TC or certificate TT license who is  
411 prevented from making application wherefore by reason of service in the armed forces of the  
412 United States shall have 6 months after discharge or release from active duty to make such  
413 application.  
414

415 (b) On and after such date as the department of telecommunications and cable no longer  
416 regulates a telephone company, a corporate affiliate of such telephone company, or a service  
417 provided by such company or corporate affiliate, the board shall issue an appropriate license as  
418 provided in this chapter, to any person who is an employee for at least 2 years serving as a  
419 technician of such telephone company or such corporate affiliate on such date who, as a result of  
420 such deregulation, shall become subject to the provisions of this chapter or any employee who  
421 after date of separation from a company which utilizes a formal examination and rating process  
422 and was exempt from licensure under provisions of this chapter and who applies for any such  
423 licenses in accordance with the provisions of this chapter not later than 6 months after such date,  
424 provided any such employee shall not be required to pass any examination in order to qualify for  
425 any such license but shall thereafter be subject to all laws, rules and regulations of the board  
426 applicable to such licensure.

427  
428 Section 10. (a) Application for renewal of a license must be received by the board no less than 30  
429 days prior to the expiration date of the license, and may be renewed by the same person, firm,  
430 corporation, or other entity acting by one or more of its members or officers, without further  
431 examination, upon payment of a fee, application thereof being made during said month and  
432 subject to the right of the board to permit late filing upon good cause shown.

433  
434 (b) The licensing authority may refuse to renew a license for cause set forth in section 14 of this  
435 chapter and it shall promptly notify the licensee of its intent to refuse to renew the license. The  
436 licensee may, within 15 days after receipt of the notice of intent to refuse to renew a license,  
437 request a hearing on that refusal in the manner prescribed in chapter 30A. A licensee shall be  
438 permitted to continue to engage in the business permitted by such license while its renewal  
439 application is pending.

440  
441 (c) Every certificate shall expire on July 31st with a triennial renewal frequency (3 years). A  
442 person, firm, corporation, or other entity may renew his license by payment of the renewal fee  
443 required. A person, firm, corporation, or other entity who fails to renew his license prior to said  
444 date may not thereafter renew his license except upon payment of the renewal fee and the  
445 additional fee required by this chapter; provided however, that such renewal license shall not  
446 constitute its holder a licensee for any period preceding its issue.

447  
448 Section 11. (a) Upon payment of the fees required by this chapter, an individual who has  
449 complied with the requirements of this chapter shall be entitled to a certificate or identification  
450 card indicating that he is qualified for licensure under the provisions of this chapter.

451  
452 (b) Each certificate shall contain the name of the individual to whom it was issued and his form  
453 of license, address, serial number and expiration date.

454  
455 (c) Each individual identification card shall contain the name of the individual to whom it was  
456 issued, a head and shoulders picture (passport type) taken within 3 months prior to the date of  
457 issuance of the identification card.

458  
459 (d) Holders of certificate TC shall keep their certificates of registration displayed in a  
460 conspicuous place in their principal offices or places of business. The board shall furnish holders  
461 of certificate TT with evidence of having been so licensed by the board in card form or  
462 otherwise, which shall be carried on the person of the licensee and exhibited on request.

463  
464 (e) A duplicate certificate or identification card to replace one that has been lost, destroyed or  
465 mutilated may be issued by the board upon payment of the fee required by this chapter.

466  
467 Section 12. (a) The fees paid by an applicant for filing an application for examination, for the  
468 examination, for renewal, for renewal of an expired certificate, or for issuance of a duplicate  
469 certificate shall be in accordance with the section entitled "Fees", of the by-laws of the board.

470  
471 (b) All fees or other moneys collected under the provisions of this chapter shall be paid to and  
472 received by the treasurer of the commonwealth who shall keep those moneys in a separate fund

473 administered by the director of the office of consumer affairs and business regulation. All fees  
474 paid into the fund shall be used to reimburse the board for expenses incurred in the  
475 administration and enforcement of this chapter. The controller is authorized and directed to draw  
476 his orders upon the treasurer of the commonwealth for payment from the fund, upon receipt by  
477 the controller of vouchers authenticated by the chairman or secretary of the board.  
478

479 Section 13. (a) All administrative procedures in this chapter shall be consistent with those of  
480 chapter 141. The secretary of the board shall keep a record of its proceedings. The record shall  
481 include the name, age, and last known address of each applicant for registration, information  
482 concerning each applicant's education, experience and other qualifications, the text of all  
483 examinations administered and the results thereof and such other information as the board deems  
484 appropriate. The record of the board shall be prima facie evidence of the proceedings and a  
485 certified transcript by the secretary shall be admissible in evidence with the same force and effect  
486 as if the original were produced.  
487

488 (b) The board shall maintain a roster of technicians and contractors. Copies of the roster shall be  
489 made available annually to federal agencies within the state, city and town officials, and may be  
490 distributed or sold to the public.  
491

492 (c) The secretary of the board shall receive and account for all moneys derived from the activities  
493 of the board and shall submit to the governor and the legislature a report of its transactions of the  
494 preceding year.  
495

496 Section 14. (a) The board may refuse to issue a certificate, or may revoke or annul a certificate,  
497 or may suspend a certificate for any of the following acts:  
498

- 499 1. Bribery, fraud, or misrepresentation in obtaining a license.  
500
- 501 2. Performing or engaging in the installation, repair, maintenance, alteration, service, or testing  
502 of telecommunications in another state or country in violation of the laws of that state or country.  
503
- 504 3. Performing or engaging in the installation, repair, maintenance, alteration, service or testing of  
505 telecommunications in this state in violation of the provisions of this chapter or standards of  
506 professional conduct established and published by the board.  
507
- 508 4. Fraud, deceit, recklessness, gross negligence, or incompetence in the installation, repair,  
509 maintenance, alteration service, or testing of telecommunications.  
510
- 511 5. Use of a license serial number in a manner other than that authorized by this chapter.  
512

513 (b) The director of the office of consumer affairs, division of professional licensure shall be  
514 authorized to provide assistance to the board in the normal day-to-day enforcement and  
515 administration of this chapter. Such assistance shall be in accordance with sections entitled  
516 "Administration" and "Enforcement" of the by-laws of the board. All administrative guidance to  
517 the board shall be consistent with chapter 30A.  
518

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

530  
531 (d) The board may, in its discretion, reissue a license revoked or suspended under subsection (b)  
532 of this section upon presentation of suitable evidence of reform.

533  
534 (e) Either the complainant or respondent in any enforcement action brought before the board may  
535 appeal the ruling of the board to the division of administrative law appeals. The director may,  
536 for just cause, return the matter to the board for reconsideration. Enforcement action on this  
537 matter will be suspended during this appeal process. Any appeal brought under this provision  
538 must be made to the division of administrative law appeals within 30 calendar days from the date  
539 of the original ruling of the board. Said appeal must be acted upon by the division of  
540 administrative law appeals within 30 calendar days from receipt. The board shall return a  
541 determination of the reconsideration within 60 calendar days from the date of return from the  
542 division of administrative law appeals. There shall be right to appeal of the reconsideration,  
543 should either party choose, through the courts.

544  
545 (f) The attorney general or his designee shall act as legal advisor to the board and shall render  
546 such legal assistance as may be necessary in carrying out the provisions of this chapter. The  
547 board may employ counsel and other necessary assistance to be appointed by the governor to aid  
548 in the enforcement of this chapter, and the compensation and expenses therefore shall be paid  
549 from the fund of the board.

550  
551 Section 15. The provisions of this chapter are severable, and if any section shall be declared  
552 invalid or void for any reason, the remainder of this chapter shall not be affected or impaired.

553  
554 SECTION 17. No apprentice in a telecommunications program, electrician's program, including  
555 any program that complies with chapter 141 systems technician certificate D license education  
556 and training requirements, or Fire Alarm and Security Systems program that is registered and  
557 complies with sections 11E through 11W of chapter 23 shall be deprived of any credits, hours, or  
558 other quantifiable credentials as a result of the passage of this act. The board of electrical and  
559 telecommunication examiners, in consultation with the telecommunications policy advisory  
560 committee, shall move to accept all verifiable hours, credits or other credentials earned in any  
561 approved training or apprentice program.

562  
563 SECTION 18. (a) For the first 12 months following the effective passage of this Act no person  
564 shall be liable for prosecution for installing, repairing, maintaining, altering, testing or servicing

565 telecommunications as defined by chapter 141A for which a license is required under chapter  
566 141A if the work is not subject to certificate C or D license work under chapter 141.

567  
568 SECTION 19. After the effective date of this Act, and for not less than 1 year nor more than 2  
569 years at the discretion of the board of electrical and telecommunications examiners following  
570 effective date of passage of provisions of this Act, the board shall, without examination, issue a  
571 certificate TC or certificate TT license, established under section 141A, to any applicant who  
572 shall present satisfactory evidence that he has the qualifications for the type of license applied  
573 for, or any applicant who shows proof of at least 3 years of verifiable and continuous contracting  
574 experience in the commonwealth. Should the board reject the applicant's qualifications for fire  
575 warning or for security system recognition under chapter 147, the applicant shall receive a  
576 restricted certificate TC or TT license, and retain the right to take the test for the fire warning or  
577 seek security system qualification under said chapter 147 within a reasonable period of time. The  
578 requirements and procedure for the issuance of such restricted certificate TC or TT licenses shall  
579 be determined by the board as board policy and shall be set forth in written form.

580  
581 SECTION 20. Not more than 6 months after the effective date of this Act, the board of electrical  
582 and telecommunications examiners shall notify all certificate C and D licensees of the provisions  
583 contained in the Act that apply to the telecommunications trade. The board shall notify all  
584 certificate C and D licensees of the time period in which the grandfathering provisions of the law  
585 will prevail and also, inform all certificate C and D licensees of the proposed end date of the  
586 certificate C and D license validity; provided that the date shall not exceed 5 years from the  
587 effective date of this Act.

588