

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:

Richard R. Tisei

DISTRICT/ADDRESS:

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:*

1 SECTION 1. {Licensing and supervision of electricians, etc.}

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

4 CHAPTER 141

5 LICENSING AND SUPERVISION OF ELECTRICIANS, TECHNICIANS AND
6 APPRENTICES WHO INSTALL ELECTRICAL, SECURITY, FIRE,
7 TELECOMMUNICATIONS AND ANY INHERENTLY POWER LIMITED SYSTEMS.

8 Section 1. {Definitions.}

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 “Person,” an individual.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

154 Section 4. {Examinations; credit to veterans. }

155 The examiners shall establish uniform requirements for all towns in the conduct of examinations,
156 which may be revised from time to time, as circumstances require. The examiners shall approve
157 the form and content of all examinations and shall establish passing scores. In establishing such
158 passing scores, the examiners shall grant a credit of five per cent to each part of the examination
159 of each applicant who is a veteran as defined in clause forty-three of section seven of chapter
160 four. Examinations may be conducted in writing or electronically. Reasonable and necessary
161 accommodations shall be made for all applicants requiring such considerations, if required by
162 law. Examinations may be supervised by one or more members of the examiners or agents of the

163 examiners, and no license shall be granted or passing score awarded without the sanction of the
164 examiners.

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

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

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

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

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

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

197 (3) A certificate C shall be issued to any person or to a business entity with a qualifying officer
198 that is engaged in, about to engage in, or who is qualified to engage in the system portion of the
199 electrical business as defined in section one; provided, however, that such person or qualifying
200 officer shall have qualified to sit for and passed an examination by the examiners for such a
201 license, and who, at the time of application for examination, shall have been a holder in good

202 standing of a current certificate D license for a minimum of twelve months; or who shall have
203 qualified under section five of this chapter. A holder of a certificate C license shall additionally
204 maintain in good standing a certificate D license if said holder elects to perform the work of
205 installing, repairing, testing, and maintaining inherently power limited systems installed as part
206 of premises wiring.

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

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

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

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

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

242 The certificate shall bear the name of such person as an individual, who shall thereby be
243 authorized to perform the work in said specific area of expertise.

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

249 (10) Notwithstanding the provisions of any general or special law to the contrary, nothing shall
250 be construed to prevent or to affect the practice of designing or preparing plans, specifications,
251 shop drawings or as-built drawings by any person or business who is a valid certificate holder,
252 without requiring the seal of registration of an architect or professional engineer, for electrical
253 work to be installed or being installed by the same person or business preparing such plans,
254 specifications, shop drawings or as-built drawings.

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

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

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

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

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

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

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

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

295 Section 7. {Apprentices.}

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

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

314 Section 8. {Display certificates.}

315 No holder of a certificate A, certificate C, certificate TC, or certificate LC shall engage in any
316 aspect of the electrical business in other than their own name without first obtaining from the
317 examiners a certificate suitable for public display which shall specify the names of the

318 responsible qualifying officer, other principal officers of the business entity, the type of
319 certificate granted, and any endorsements as described in section nine of this chapter. Such
320 certificates shall be displayed in a conspicuous place at the principal place of business.

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

330 Section 9. {Limited Contractor's and Limited Technician's certificates.}

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

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

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

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

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

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

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

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

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

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

387 Section 12. Liability for work of employee.

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

391 Section 13. Non-applicability of chapter.

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

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

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

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

431 Section 15. {Penalty for misstatement. }

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

441 Section 16. Fees and fines collected under this chapter.

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

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

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

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

454 The state examiners of electricians, technicians, and related occupations, hereinafter called the
455 examiners, shall consist of the state fire marshal, the associate commissioner for the division of
456 occupational education in the department of education, ex officio, and ten persons to be
457 appointed for terms of three years each by the governor. One of said appointees shall be a
458 representative of the public, subject to the provisions of section nine B of this chapter, and one
459 shall be a local wiring inspector who is an electrician licensed under chapter one hundred forty-
460 one. Eight of said appointees shall be citizens of the commonwealth: one of whom shall be a
461 master electrical contractor who holds a certificate A license issued under said chapter one
462 hundred forty-one and has at least ten years experience as an employing master electrical
463 contractor; one shall be a master electrical contractor who holds certificate A and certificate B
464 licenses issued under chapter one hundred forty-one, and has at least ten years experience as a
465 master electrical contractor qualified to engage in the electrical business; one shall be a
466 journeyman electrician who holds a certificate B license issued under said chapter one hundred
467 forty-one, is a wage earner and has at least ten years practical experience in the installation of
468 wires and appliances for carrying electricity for light, heat, power, telecommunication, and
469 systems purposes; one shall be a systems contractor who holds a certificate C license issued
470 under said chapter one hundred forty-one, is actively engaged in the business of fire warning,
471 security and any systems as his principal business and has at least 10 years as an employing

472 systems contractor; one shall be a systems technician who holds a certificate D license issued
473 under said chapter one hundred forty-one, is a wage earner and has at least ten years practical
474 experience in the installation, repair and maintenance of systems; one shall be a
475 telecommunications contractor who holds a certificate TC license issued under said chapter one
476 hundred forty-one, is actively engaged in the business of telecommunications systems and has at
477 least ten years as an employing telecommunications contractor; one shall be a
478 telecommunications system technician who holds a certificate TT license issued under said
479 chapter one hundred forty-one, is a wage earner and has at least ten years practical experience in
480 the installation, repair and maintenance of telecommunications systems for ten years prior to
481 appointment; one shall be a representative of the New England Section of the International
482 Municipal Signal Association who holds at least a level I competency certificate from said
483 association, is a municipal employee and has at least ten years practical experience in the
484 installation, repair, maintenance of fire warning or signaling systems. The state fire marshal shall
485 be chairman. When the examiners decides matters regarding continuing education requirements
486 and programs for its licensees, the examiners shall first consider the recommendations of a three-
487 member subcommittee comprised of two of its members especially qualified to serve in the
488 applicable area of expertise, and a third member appointed by the chair. The examiners shall
489 appoint an executive director who shall be a wage earner, a citizen of the commonwealth and a
490 current holder of a certificate A with a minimum of 10 years experience engaging in the business
491 of electrical installations, and who shall be currently certified under the provisions of section
492 thirty-two B of chapter one hundred sixty-six. The examiners may also appoint, subject to
493 chapter thirty-one, such other clerical and technical assistants as may be necessary to discharge
494 its duties under chapter one hundred forty-one and shall establish their responsibilities. The
495 members, ex officii, shall receive no compensation for their services under chapter one hundred
496 forty-one, but the appointive members shall each receive for their services there under a salary of
497 seven hundred fifty dollars. The examiners may expend for the salaries of the appointive
498 members and of the secretary and other employees and for necessary traveling and other
499 expenses for themselves and their employees such sums as are annually appropriated therefor.

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

501 Section 3L of Chapter 143 of the General Laws, as appearing in the 2000 Official Edition is
502 hereby amended by striking it out in its entirety and replacing it with the following new section
503 3L:

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

506 The board of fire prevention regulations shall make and promulgate, and from time to time may
507 alter, amend and repeal, rules and regulations relative to the installation, repair and maintenance
508 of electrical wiring that connects to a source of electricity and electrical wiring within or
509 supplied from buildings and structures subject to the provisions of sections three to sixty,
510 inclusive, and the state building code. Such regulations shall be in accordance with generally
511 accepted standards of engineering practice, and shall be designed to provide reasonable
512 requirements for safety in relation to life, fire and explosion. The rules and regulations governing

513 electrical wiring shall be uniform throughout the commonwealth, and no city or town shall make,
514 supplement, modify or delete any rule and regulation for said purpose.

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

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

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

551 In the case of horizontal construction as defined in section thirty two of chapter one hundred
552 sixty-six, the application for a permit for electrical work to be performed in connection with said
553 horizontal construction, and the required notification of completion of electrical work, shall be
554 made to a designee of the board of state examiners of electricians, technicians, and related

555 occupations constituted under the provisions of section thirty-two of chapter thirteen, who shall
556 issue subject to any limitations in this section the necessary permits for said electrical work, and
557 who, as provided in said section thirty-two of chapter one hundred sixty-six, shall exercise the
558 authority of an inspector of wires and shall give notice of approval or disapproval of said
559 electrical work.

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

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

577 SECTION 4: {Jurisdiction over Horizontal Construction }

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

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

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

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

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

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

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

615 SECTION 6: {Transitional provisions }

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

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

628 Notwithstanding any provisions to the contrary, on and after such date as the department of
629 telecommunications and energy no longer regulates a telephone company, a corporate affiliate of
630 such telephone company, or a service provided by such company or corporate affiliate, the
631 examiners shall issue an appropriate certificate as provided in this chapter, to any person who is

632 an employee of such telephone company or such corporate affiliate on such date who, as a result
633 of such deregulation, shall become subject to the provisions of this chapter or any employee who
634 after date of separation from a company which utilizes a formal examination and rating process
635 and was exempt from licensure under provisions of section thirteen of this chapter and who
636 applies for any such certificates of licensure in accordance with the provisions of this chapter not
637 later than six months after such date; provided that any such employee shall not be required to
638 pass any examination in order to qualify for any such license but shall thereafter be subject to all
639 laws, rules and regulations applicable to such licensure.

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

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