

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Morrissey, Michael (SEN)

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

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

An Act relative to the licensing of telecommunications professionals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Morrissey, Michael (SEN)	Norfolk and Plymouth

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

The Commonwealth of Massachusetts

—————
In the Year Two Thousand and Nine
—————

AN ACT RELATIVE TO THE LICENSING OF TELECOMMUNICATIONS PROFESSIONALS.

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

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 officiiis, 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 officiiis, 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.