

HOUSE No. 194

The Commonwealth of Massachusetts

PRESENTED BY:

Colleen M. Garry

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 adoption of the accompanying bill:

An Act to strengthen enforcement of Chapter 141 and 147 licenses.

PETITION OF:

NAME:

Colleen M. Garry

DISTRICT/ADDRESS:

36th Middlesex

HOUSE No. 194

By Miss Garry of Dracut, a petition (accompanied by bill, House, No. 194) of Colleen M. Garry for legislation to establish the wiring inspector education trust fund. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to strengthen enforcement of Chapter 141 and 147 licenses.

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 10, as so appearing in the 2012 Official Edition of the
2 Massachusetts General Laws, is hereby amended by inserting after Section 35XX, the following
3 new Section:-

4 Section 35YY. There shall be established and set up on the books of the commonwealth a
5 separate fund to be known as the Wiring Inspector Education Trust Fund. The fund shall consist
6 of fifty percent of monies paid to the state’s board of electrical examiners or board of
7 electricians’ appeals pursuant to section 65A of chapter 112; or section 5 of chapter 141, together
8 with any interest or earnings accrued on such monies through investment or deposit. The state
9 treasurer shall be the custodian of the fund and shall receive, deposit and invest all monies
10 transmitted to him under this section in accordance with sections 34, 34A and 38 of chapter 29 in
11 such a manner as to secure the highest rate of return available consistent with the safety of the
12 fund, and shall credit interest and earnings on the trust fund corpus to the trust fund. The state

13 treasurer shall transfer funds from the income and receipts of the fund to the secretary of
14 administration and finance, from time to time, at the request of the secretary. The secretary shall
15 administer grants from the fund, without further appropriation, and shall award them to inspector
16 of wires associations, cities or towns in the commonwealth to provide education, training,
17 professional and support services for the benefit of inspectors of wires appointed in accordance
18 with section 32 of chapter 166 and charged with the enforcement of chapter 141 and chapter 147.

19 The secretary shall develop written criteria for the awarding of grants and other funding
20 allocations, which shall be evaluated and, if necessary, revised on an annual basis. The secretary
21 shall file a report detailing the amount of funds collected and expended from the fund along with
22 a copy of the written criteria used to expend the funds to the house and senate committees on
23 ways and means annually not later than February 28. An amount not to exceed 5 per cent of the
24 total funds deposited in the fund may be expended by the secretary for administrative costs
25 directly attributable to the grants and programs funded by the fund, including, but not limited to,
26 the costs of clerical and support personnel. Any unexpended balance of monies in the fund at the
27 end of the fiscal year shall not revert to the General Fund but shall remain available for
28 expenditure from such fund in subsequent fiscal years. No expenditure made from the fund shall
29 cause the fund to become deficient at any point during a fiscal year.

30 SECTION 2. Chapter 112, as so appearing in the 2012 Official Edition, is hereby
31 amended in Section 65A by striking in line 7 the figure “\$1,000” and inserting the
32 following figure:- \$2,500

33 SECTION 3. Said Section 65A of chapter 112 is hereby further amended in line 8 by

34 striking the figure “\$2,500” and inserting the following figure:- \$5,000

35 SECTION 4. Chapter 141, as so appearing in the 2012 Official Edition, is hereby

36 amended by striking section 5 in its entirety, and by inserting therein the following

37 new section:- Section 5. Any person, firm or corporation, or employee thereof, and

38 any representative, member or officer of such firm or corporation individually,

39 entering upon or engaging in the business and work hereinbefore defined, or

40 publicly holding oneself out as so authorized, without the appropriate certificate

41 described in section 3 of this chapter, shall for the first offence be punished by a

42 fine of not less than one thousand nor more than two thousand-five hundred

43 dollars, and for a subsequent offence by a fine of not less than two thousand-five

44 hundred dollars nor more than five thousand dollars or by imprisonment in the

45 house of correction for six months, or both.

46

47 The examiners and the inspectors of wires in each city and town, as defined in

48 section thirty-two of chapter one hundred and sixty-six, shall be charged with the

49 enforcement of this chapter, including notification of violations with respect to

50 security systems to the department of public safety consistent with the provisions

51 of sections 57 to 61, inclusive, of chapter 147. They shall have all necessary
52 powers to require compliance therewith, including, but not limited to, the power to
53 institute and prosecute proceedings in the superior court department of the trial
54 court and the power to ensure appropriate injunctive relief to expedite the secure
55 enforcement of its order against conduct requiring licensure in accordance with the
56 provisions of this chapter, chapter 147, and regulations promulgated thereunder.

57 SECTION 5. Chapter 143 of the General Laws, as appearing in said edition, shall
58 hereby be amended in Section 3L by striking the words “five hundred” in line 28
59 and inserting in place thereof, the following words:- five thousand

60 SECTION 6. Said Section 3L of said chapter shall hereby be further amended in line
61 5 by inserting after the word “purposes” the following:- and of systems as regulated
62 in chapter 141 for life safety purposes

63 SECTION 7. Said Section 3L of said chapter shall hereby be further amended in
64 lines 22 and 31 by inserting after the word “fixtures” the following:- or systems

65 SECTION 8. Said chapter 143 shall be further amended in
66 Section 3P by inserting in line 7 after the word “appeal” the following words:- and
67 decide such appeal, subject to chapter 30A relative to adjudicatory proceedings,

68 SECTION 9. Said section 3P of chapter 143 shall be further amended in the second
69 paragraph by striking the second, third, fourth and fifth sentences.

70 SECTION 10. Said section 3P of chapter 143 shall be further amended by striking
71 the third paragraph in its entirety and inserting place thereof the following: - The
72 board's decision shall be final and binding upon all parties in interest, except that
73 compliance with any notice, interpretation, order, requirement or direction of an
74 inspector of wires or other person charged with the enforcement of the rules and
75 regulations of the board of fire prevention regulations by any person who continues
76 to practice a trade or profession after his certificate, registration, license or
77 authority to do so has been suspended, revoked or cancelled under section 61 of
78 chapter 112 shall be excused pending the final determination of any appeal
79 therefrom taken under this section.