

**SENATE . . . . . No. 1519**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to the licensing of telecommunications professionals..

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

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

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

38 and other expenses for themselves and their employees such sums as are annually appropriated  
39 therefor.

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

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

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

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

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

60 commonwealth; 1 shall be the state fire marshal, or a designee who is knowledgeable in codes  
61 and regulations involving telecommunications; and 7 shall be telecommunications professionals  
62 who have been actively engaged in the design, installation, repair, maintenance alteration,  
63 service or the testing of telecommunications, as defined by chapter 141A, for at least 10  
64 consecutive years immediately prior to appointment and who shall be qualified for licensing  
65 under the provisions of chapter 141A of which: 1 of whom shall be a telecommunications  
66 contractor as defined in chapter 141A; 1 of whom shall have expertise in “data” as defined in  
67 chapter 141A; 1 of whom shall have expertise in “sound” as defined in chapter 141A; 1 of whom  
68 shall have expertise in “telephony” as defined in chapter 141A; 1 of whom shall have expertise  
69 in “fire warning systems” as defined in chapter 141A; 1 of whom shall have expertise in  
70 “security systems” as defined in chapter 141A; and 1 of whom shall have expertise in “video” as  
71 defined in chapter 141A. The members shall be residents of the state for at least 3 consecutive  
72 years prior to appointment. The members shall be appointed by the governor from a list of  
73 qualified candidates provided by industry representatives. Not more than one member shall be  
74 directly employed with or by any single business, firm or corporation. In establishing  
75 recommendations to the board, the advisory committee shall review and consider existing  
76 education courses, including, but not limited to, national industry specific certification programs  
77 meeting the curriculum requirements established by the board under chapter 141. The advisory  
78 committee shall recommend to the board a process to be approved by the board by which any  
79 person or entity offering board-approved education courses shall maintain board approval for the  
80 education courses and be permitted to amend the course of education to maintain consistency  
81 with curriculum requirements for telecommunications licensees without risk of program  
82 disapproval. The advisory committee shall recommend to the board a process to be approved by

83 the board by which any person completing a board-approved course of education and hours of  
84 practical experience qualifying for education credit and hours of practical experience under  
85 chapter 141, shall be credited for applicable credit or hours as an applicant for licensure under  
86 141A. The advisory committee shall submit its recommendations to the board for approval of  
87 any proposed policy, rule or regulation, except emergency rules or regulations, affecting the  
88 activities of telecommunications contractor and technician licensees under chapter 141A.  
89 Records of the meetings of the policy advisory committee shall be open for inspection at all  
90 times, and the policy advisory committee shall have printed annually a packet of their proposed  
91 regulations to the board.

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

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

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

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

103 "Telecommunications", any inherently powered limited system, including fire warning or  
104 security, involved in the sending or receiving at a distance voice, sound, data, or video

105 transmissions. This definition shall also include the placing, installing, repairing, maintaining,  
106 altering, servicing or testing of any cables or telecommunications equipment on poles, in  
107 manholes, vaults, buildings, or in central switching offices. This definition shall also include  
108 cabling infrastructure and products that transport voice, video, audio, sound, and data signals in a  
109 commercial or residential premises; and products that capture and display or otherwise  
110 annunciate signals, including those that send signals to other applications up to the point of  
111 convergence of such applications.

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

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

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

127 firm, corporation or other entity licensed in accordance with this chapter who does not engage in  
128 or perform the actual work described in this section.

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

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

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

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

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

142 Any person, firm, corporation or other entity, or employee thereof, and any  
143 representative, member or officer of such firm or corporation individually, entering upon or  
144 engaging in the business and work hereinbefore defined, without having complied with this  
145 chapter, shall for the first offense be punished by a fine of not less than \$100 nor more than  
146 \$1,000, and for a subsequent offense by a fine of not less than \$500 nor more than \$2,500 or by  
147 imprisonment in the house of correction for six months, or both.

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

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

152 CHAPTER 141A

153 SUPERVISION OF TELECOMMUNICATIONS PROFESSIONALS

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

156

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

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

161 “Design”, the act of creating a document, either manually or electronically, that defines  
162 the layout, placement or configuration of telecommunications infrastructure components or 1 or  
163 more physical topologies; trunking or 1 or more distribution routings or their material  
164 components; telecommunication outlet locations or their material components;  
165 telecommunication closet locations or their material components for the purpose of defining  
166 telecommunications work within this chapter. This definition does not include information  
167 shared with a customer in the ordinary course of business by a salesperson or other agent



168 consistent with section 81R of chapter 112 or the recording of changes to a design that reflects  
169 field changes made during installation of the telecommunications detailed in the said document.

170 "Fire warning system", an inherently power limited system of wires, conduits, apparatus,  
171 devices, fixtures or other appliances installed and interconnected electrically or electronically for  
172 the detection of heat, smoke, or products of combustion, or for the transmission of signals or  
173 audible alarms.

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

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

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

184 "Telecommunications", any inherently powered limited system, including fire warning or  
185 security, involved in the sending or receiving at a distance voice, sound, data, or video  
186 transmissions. This definition shall also include the placing, installing, repairing, maintaining,  
187 altering, servicing or testing of any cables or telecommunications equipment on poles, in  
188 manholes, vaults, buildings, or in central switching offices. This definition shall also include  
189 cabling infrastructure and products that transport voice, video, audio, sound, and data signals in a

190 commercial or residential premises; and products that capture and display or otherwise  
191 annunciate signals, including those that send signals to other applications up to the point of  
192 convergence of such applications.

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

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

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

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

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

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

211 (1) Certificate TC shall be issued to any person qualified under this chapter representing  
212 themselves, individually, or a firm, corporation or entity engaging in or about to engage in, the  
213 business of designing, installing, repairing, maintaining, altering, testing or servicing  
214 telecommunications. Qualification shall be evidenced by passing the examination for both of the  
215 2 licenses described in this section, and applicants who hold an equivalent out of state license, as  
216 determined by the board, issued by another state shall be allowed to take the certificate TC  
217 license examination. Applicants for the certificate TC license who hold no equivalent form of  
218 certificate TC license issued in another state but show proof of at least 3 years of verifiable and  
219 continuous contracting experience will be allowed to take the certificate TC license examination.  
220 Applicants who do not meet these qualifications shall have held a certificate TT license for at  
221 least 3 years immediately preceding the date of application, together with 75 hours in business  
222 related courses or proof of equivalent knowledge base for contractors in the relevant laws, codes  
223 and regulations of the commonwealth in order to qualify to take the TC examination.

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

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

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

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

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

241 (c) municipal lighting plants and their employees.

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

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

249 (b) The board shall have the power to suspend, revoke or annul certificates in accordance  
250 with the provisions of this chapter. In all disciplinary proceedings brought pursuant to this  
251 chapter, the board shall have the power to administer oaths, to summon witnesses, and to compel  
252 the production of documents in accordance with the procedures applicable in the superior court.

253 Upon failure of any person to appear or produce documents in accordance with the boards' order,  
254 the board may apply to a court of any jurisdiction to enforce compliance.

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

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

270 (b) Any person, partnership, corporation or other entity which violates paragraph (a) shall  
271 be guilty of a misdemeanor and upon conviction by a court of competent jurisdiction shall be  
272 sentenced to pay a fine of not more than \$500 for the first offense, and a fine of not less than  
273 \$500 nor more than \$1,000 for each subsequent offense or imprisonment for not more than 1  
274 year or both.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

314 (e) The board may require that the application include any other information which the  
315 licensing board may reasonably deem necessary to determine whether the applicant or individual

316 signing the application meets the requirements of this chapter or to establish the truth of the facts  
317 set forth in the application.

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

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

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

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

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

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

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

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



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

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

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

346 (b) On and after such date as the department of telecommunications and cable no longer  
347 regulates a telephone company, a corporate affiliate of such telephone company, or a service  
348 provided by such company or corporate affiliate, the board shall issue an appropriate license as  
349 provided in this chapter, to any person who is an employee for at least 2 years serving as a  
350 technician of such telephone company or such corporate affiliate on such date who, as a result of  
351 such deregulation, shall become subject to the provisions of this chapter or any employee who  
352 after date of separation from a company which utilizes a formal examination and rating process  
353 and was exempt from licensure under provisions of this chapter and who applies for any such  
354 licenses in accordance with the provisions of this chapter not later than 6 months after such date,  
355 provided any such employee shall not be required to pass any examination in order to qualify for  
356 any such license but shall thereafter be subject to all laws, rules and regulations of the board  
357 applicable to such licensure.

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

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

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

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

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

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

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

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

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

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

400 Section 13. (a) All administrative procedures in this chapter shall be consistent with those  
401 of chapter 141. The secretary of the board shall keep a record of its proceedings. The record

402 shall include the name, age, and last known address of each applicant for registration,  
403 information concerning each applicant's education, experience and other qualifications, the text  
404 of all examinations administered and the results thereof and such other information as the board  
405 deems appropriate. The record of the board shall be prima facie evidence of the proceedings and  
406 a certified transcript by the secretary shall be admissible in evidence with the same force and  
407 effect as if the original were produced.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

462 SECTION 17. No apprentice in a telecommunications program, electrician's program,  
463 including any program that complies with chapter 141 systems technician certificate D license  
464 education and training requirements, or Fire Alarm and Security Systems program that is  
465 registered and complies with sections 11E through 11W of chapter 23 shall be deprived of any

466 credits, hours, or other quantifiable credentials as a result of the passage of this act. The board of  
467 electrical and telecommunication examiners, in consultation with the telecommunications policy  
468 advisory committee, shall move to accept all verifiable hours, credits or other credentials earned  
469 in any approved training or apprentice program.

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

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

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