

# HOUSE . . . . . No. 1900

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***John H. Rogers***

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*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 relative to licensing home appliance servicers.**

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>1/21/2011</i>

# HOUSE . . . . . No. 1900

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By Mr. Rogers of Norwood, a petition (accompanied by bill, House, No. 1900) of John H. Rogers relative to the licensing of home appliance service professionals. Consumer Protection and Professional Licensure.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 297 OF 2009-2010.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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An Act relative to licensing home appliance servicers.

*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. Section 94 of Chapter 143 of the General Laws,  
2           as appearing in the 2000 Official Edition, is hereby amended by  
3           adding the following clause:—  
4           (m) To issue licenses in accordance with chapter 143A.
- 5           SECTION 2. The General Laws are hereby amended by  
6           inserting after chapter 143 the following chapter:—  
7           CHAPTER 143B.  
8           LICENSING OF HOME APPLIANCE SERVICERS (H.A.S).

9           Section 1. As used in this chapter, the following words shall

10          have the following meanings:

11          “Administrator”, the administrator of the state board of

12          building regulations and standards, an agency within the executive

13          office of public safety.

14          “Board”, the state board of building regulations and standards

15          established by section 93 of chapter 143.

16          “Licensee”, a person, firm, partnership or corporation licensed

17          under this chapter may disconnect and reconnect hardwiring,

18          water connections and gas connections necessary to repair or

19          replace an appliance.

20          “Appliance”, any appliance manufactured which may require

21          the tech to disconnect and reconnect electric, water and gas.

22          “H.A.S.”, a person, firm, partnership or corporation engaged in

23          installing, maintaining, servicing or testing appliances.

24          Section 2. No person, firm, partnership or corporation shall

25          enter into, engage in or work at the business of installing or

26 repairing appliances for which a permit is required unless such  
27 person, firm, partnership, or corporation shall have received a  
28 license issued by the administrator in accordance with this  
29 chapter.

30 As used in this chapter the words “Class I licensee” shall mean  
31 a person, firm, partnership or corporation who performs the work  
32 of installing, manufacturing, altering, servicing, testing or maintaining  
33 any household appliances. Applicants for a “Class I  
34 license” shall have five years experience in installing, servicing,  
35 maintaining and testing household appliances working under the  
36 supervision of a “Class I licensee”. As used in this chapter, the  
37 words “Class II licensee” shall mean a person, firm, partnership or  
38 corporation qualified to install, maintain, alter or service household  
39 appliances Applicants for a “Class II license” shall have  
40 three years experience in installing, servicing, altering, testing and  
41 maintaining appliances, working under the supervision of a “Class  
42 I or Class II licensee”, or shall be a graduate of a appliance repair

program at a licensed school accredited by the Accrediting Commission of Career Schools and Colleges of Technology. A Class I or Class II licensee shall not install, maintain, alter, service, manufacture or test any wiring, which is regulated pursuant to chapter 141 or section 3L of chapter 143.

Section 3. The administrator, in consultation with the board, shall be responsible for the implementation of this chapter and the promulgation of such rules and regulations as he shall deem necessary to implement this chapter. Prior to the adoption, amendment or repeal of a rule or regulation, the administrator shall give notice and hold a public hearing in accordance with the requirements of chapter 30A.

A person desiring to be licensed as a H.A.S. shall make a written application under oath to the administrator on a form provided by him. The application shall set forth the information requested by the administrator.

It shall be the duty of the administrator to develop and conduct

a written examination for each category of license and to issue  
and deliver a license to all applicants who have passed the examination  
for licensure under this chapter unless the applicant complies  
with the following paragraph:

At any time prior to June 1, 2008 the director shall, without  
examination and upon payment of the appropriate fees, issue a  
license to an applicant who has presented satisfactory evidence  
that he has the qualifications for the type of license applied for,  
and who has been engaged in the occupation or business of  
installing, altering, servicing, maintaining home appliances covered  
by such license for a period of five years in the case of an  
applicant for a “Class I” and three years of appliance repair experience  
or graduation from a appliance repair program at a licensed  
school accredited by the Accrediting Commission of Career  
Schools and Colleges of Technology in the case of an applicant  
for a “Class II” license. A person who, being qualified to obtain a  
license under this section, is prevented from making application

77 therefore by reason of service in the armed forces of the United  
78 States shall have three months after discharge to make an application.  
79 Each applicant for a license under this chapter shall pay a registration  
80 fee in an amount to be determined by the commissioner of  
81 administration. The fee shall be payable upon application for a  
82 license and upon renewal. All fees collected pursuant to this  
83 section shall be retained by the board for the implementation of  
84 this chapter. A licensee shall submit to the administrator such  
85 information as the administrator may require and shall be issued a  
86 license.

87 Each license issued by the administrator shall bear a number,  
88 shall be valid for three years from the date of its issuance, may be  
89 renewed upon proof of continuing experience or education as  
90 required by the director, shall not be transferable and shall be  
91 exercised only by the licensee.

92 Section 4. No individual or contractor shall undertake, offer to  
93 undertake, or agree to perform home appliance installation, alteration,

94 maintenance and testing of appliances for which a license is  
95 required under this chapter unless licensed therefore with the  
96 approval of the state board of building regulations and standards.

97 In those municipalities where a permit for appliance service is  
98 required, the applicant shall show proof of license by the com-  
99 monwealth, along with the applicant's license number, in order to  
100 qualify for a local permit. The license under this chapter shall  
101 supersede all local license requirements.

102 Each permit and advertisement for appliance service shall display  
103 the licensee's license number.

104 A licensee shall affix the license number in a conspicuous place  
105 on each work order for each appliance installed, altered, maintained  
106 or serviced by him.

107 Section 5. An individual or contractor who knowingly, willfully  
108 or negligently operates without having first obtained a license as  
109 required by this chapter and who is not otherwise exempt from the  
110 licensing requirement or an individual or contractor who continues



to operate after revocation of, or during suspension of his  
license, or who fails to review his license, shall be punished by a  
fine not exceeding \$100 per day. If the administrator concludes,  
after consultation with the board, that the continuing conduct by  
any person alleged to be in violation of this chapter may result in  
substantial or irreparable harm to another, he may seek a temporary  
or permanent injunction from the superior court of the county  
in which the alleged violation is occurring or the county in which  
the violator has its principal place of business.

The administrator shall not be required to file a bond or to show  
a lack of an adequate remedy at law when seeking an injunction  
under this section against a person, firm, partnership or corporation  
not licensed under this chapter.

Section 6. This chapter shall not be construed to relieve or  
lessen the responsibility of a person licensed under this chapter,  
nor shall the commonwealth be deemed to have assumed any liability  
by reason for the issuance of a license.