

HOUSE No. 2623

The Commonwealth of Massachusetts

PRESENTED BY:

Harold P. Naughton, Jr.

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 telecommunications professionals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>	<i>1/20/2011</i>

HOUSE No. 2623

By Mr. Naughton of Clinton, a petition (accompanied by bill, House, No. 2623) of Harold P. Naughton, Jr. relative to telecommunications professionals. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to 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. Section 32 of chapter 13 of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by striking out the first sentence and inserting in place
3 thereof the following sentence:- There shall be a board of electrical, systems and
4 telecommunication examiners, hereinafter, called the board, which shall consist of the state fire
5 marshal, the associate commissioner for the division of occupational education in the department
6 of education, ex officiis , and ten persons to be appointed for terms of three years by the
7 governor.

8 SECTION 2. Said section 32 of said chapter 13, as so appearing, is hereby further
9 amended by striking out the word “Six” in line 8, and inserting in place thereof the following
10 word:- Eight

11 SECTION 3. Said section 32 of said chapter 13, as so appearing, is hereby further
12 amended by striking out the word “and” in line 26, and inserting in place thereof the following:-

two shall be telecommunications systems professionals who shall be licensed under the provisions of chapter one hundred and forty-one A and have been actively engaged in either the design, installation, alteration, service, or the testing of telecommunications systems, as defined by said chapter one hundred and forty-one A, for at least ten years prior to appointment; and

SECTION 4. Section 32A of said chapter 13, as so appearing, is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences:-
There shall be a board of electricians, systems and telecommunications professionals, appeals, whose membership shall consist of the members of the state electrical, systems and telecommunications examiners. The chairman of the state electrical, systems and telecommunications examiners shall be the chairman of said board.

SECTION 5. Said section 32A of said chapter 13, as so appearing, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

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

SECTION 6. Said chapter 13, as so appearing, is hereby further amended by inserting after section 32A, the following section:-

Section 32B. There shall be established a policy advisory committee for the sole purpose of advising the board of electrical, systems and telecommunications examiners on pertinent subject matter. The advisory committee shall be composed of nine members: seven of whom shall be telecommunications systems professionals who shall be qualified for licensing

under the provisions of chapter one hundred and forty-one A; one of whom shall have expertise in “data communications” as defined in chapter one hundred and forty-one A; one of whom shall have expertise in “sound” as defined in chapter one hundred and forty-one A; one of whom shall have expertise in “telephony” as defined in chapter one hundred and forty-one A; and one of whom shall have expertise in “video communications” as defined in chapter one hundred and forty-one A. Said telecommunications systems professional members shall have been actively engaged in either the design, installation, alteration, service or testing of telecommunications systems, as defined by chapter one hundred and forty-one A, for at least ten consecutive years immediately prior to appointment; one member shall, be at the time of appointment, an electrical inspector currently serving a city or town in this State; and one member of the committee shall be, at the time of appointment, a designated representative of the state fire marshal who is knowledgeable in codes and regulations involving telecommunications. The members shall be residents of the state for at least three consecutive years prior to appointment. The members shall be appointed by the governor from a list of qualified candidates provided by industry representatives. Not more than one member shall be directly employed with or by any single business, firm or corporation.

SECTION 7. Section 1 of Chapter 141 of the General Laws, as appearing in 2008 Official Edition, is hereby amended by inserting before the definition of “Fee” the following definition:- “Apprentice”, a person at least sixteen years of age and registered with the state board of electrical, systems and telecommunications examiners working under the direct personal supervision of either a licensed journeyman electrician, licensed systems or telecommunications technician performing work for which a journeyman license, systems technician or telecommunications license is required.

SECTION 7A. Section 1 of said Chapter 141, as so appearing, is hereby further amended by inserting after the word “security” in line 15, the following word:- telecommunications

SECTION 7B. Section 1 of said Chapter 141, as so appearing, is hereby further amended by inserting after the word “security” in line 20, the following word:- telecommunications

SECTION 8: Said Section 1 of said Chapter 141, as so appearing, is hereby further amended by inserting after the word “purposes”, in lines 15 and 20, in each instance, the following words:-, or for the purpose of any other system as defined in this section.

SECTION 9. Section 1 of said Chapter 141, as so appearing, is hereby further amended by inserting after the word “systems”, in line 43, the following definition:-

“Telecommunications”, any transmission, emission, or reception of voice, data or audio visual systems.

SECTION 10. Section 1A of said Chapter 141, as so appearing, is hereby amended by striking said section and inserting in place thereof the following section:-

Section 1A. No person, firm, corporation or entity shall enter into, engage in, or work at the business or occupation of installing wires, conduits, apparatus, devices, fixtures, or other appliances for carrying or using electricity for light, heat, power, fire warning or security or telecommunications purposes, or for the purposes of any other system as defined in this chapter, unless such person, firm, corporation or entity shall be licensed by the state electrical, systems and telecommunications examiners in accordance with this chapter and, with respect to security systems, unless such person, firm, corporation or entity shall also be licensed by the

commissioner of public safety in accordance with the provisions of sections fifty-seven to sixty-one, inclusive, of chapter one hundred and forty-seven.

This chapter shall not apply to either an apprentice employed by a person, firm, corporation or entity licensed in accordance with this chapter or to an agent, employee or assistant of a person, firm, corporation or entity licensed in accordance with this chapter who does not engage in or perform the actual work described in this section.

SECTION 11. Section 2 of chapter 141 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the words “state examiners of electricians” in line 1, and inserting in place thereof the following:- state electrical, systems and telecommunications examiners,

SECTION 12. Section 3 of said chapter 141, as so appearing, is hereby amended by striking out, each time it appears, the words “state examiners of electricians” and inserting in place thereof the following:- state electrical, systems and telecommunications examiners

SECTION 13. Said Chapter 141 is hereby further amended by inserting after Section 3 the following section:-

Section 3A. Any person working as an apprentice to a licensed journeyman electrician, licensed systems or telecommunications technician who meets the requirements established by the state board of electrical, system and telecommunications examiners shall be registered as an apprentice with the state examiners in accordance with this chapter; provided, however, that students enrolled at vocational training schools within the commonwealth who are working

100 under the direct supervision of such school's vocational education teachers shall be exempt from
101 registration during this term of enrollment.

102 The state examiners shall issue the following identification cards: identification card JA
103 for apprentice electricians, identification card SA for systems technicians, TA for
104 telecommunications apprentice technician. The fee for such certificate shall be determined by
105 the commissioner of administration pursuant to the provisions of Chapter 357 of the Acts of
106 2002.

107 SECTION 14. Section 5 of said Chapter 141, as appearing in the 2008 Official Edition, is
108 hereby amended by striking out the first paragraph and inserting in place thereof the following
109 paragraph:-

110 Any person, firm, corporation or entity, or employee thereof, and any
111 representative, member or officer of such firm or corporation individually, entering upon or
112 engaging in the business and work hereinbefore defined, without having complied with this
113 chapter, shall for the first offense be punished by a fine of not less than one hundred dollars nor
114 more than one thousand dollars, and for a subsequent offense by a fine of not less than five
115 hundred dollars nor more than two thousand and five hundred dollars or by imprisonment in the
116 house of correction for six months, or both.

117

118 SECTION 15. Said Chapter 141 is hereby further amended by striking out Section 7, as
119 so appearing, and inserting in place thereof the following section:-

Section 7. This chapter shall not apply to: the installation, repair, and wiring of elevators; the work in connection with the erection, construction, maintenance, or repair of lines for the transmission of electricity from the source of supply to the service switch on the premises when such work is performed by permanent employees of municipal electric plants; and by electric companies as defined in section one of chapter one hundred and sixty-four when installed by permanent employees of electric companies as defined in section one of chapter one hundred and sixty-four; by gas companies authorized to make or sell electricity, and installed by permanent employees of gas companies authorized to make or sell electricity, by electric street railway companies, by electric railroad companies by railroad companies when installed by employees of said companies; the work of such plants or companies on premises owned or controlled by them when installed by permanent employees of said companies; the work of said municipal electric plants or of said electric or gas companies in installing, maintaining, and repairing on the premises of customers, service connections and meters, and other apparatus and appliances remaining on the property of such plants or companies after installation when installed by permanent employees of said companies; public employees engaged in the work of installing, maintaining or repairing public signaling systems; the work in connection with the lighting of public ways, alleys, private ways, or public parks, areas or squares, provided such work is performed by persons in the regular employment of municipality; the work of any company subject to regulation by the department of telecommunications and energy, and incorporated for the transmission of intelligence by electricity, or any legally established affiliate thereof or licensed video provider, in the installation, maintenance, or repair of wires, conduits, apparatus, fixtures, or other appliances used by such companies and necessary for, or incident to, their business which are on or off its own premises; or the work in connection with the

143 installation, construction, maintenance, repair, and renovation of telephone equipment cable
144 television service or computer systems by a person, who is a permanent employee of any firm or
145 corporation which is engaged in telecommunications, the information systems industry or is a
146 licensed video provider, or any legally established affiliate thereof.

147 SECTION 16. The General Laws are hereby amended by inserting after chapter 141, the
148 following chapter:-

149
150 CHAPTER 141A

151 SUPERVISION OF TELECOMMUNICATIONS PROFESSIONALS

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

154
155 “Board”, shall mean the board of electrical, systems and telecommunications examiners.

156
157 “Systems or Telecommunications Apprentice or Trainees”; a worker sixteen years of age
158 who is employed to learn a skilled trade by fulfilling the requirements defined in section eleven
159 H of chapter twenty-three. Companies that are regulated by the department of
160 telecommunications and energy and utilize a formal examination and rating process as defined
161 within a collective bargaining agreement, are exempt from the training requirements of section
162 eleven H of chapter twenty-three.

163

164 "Telecommunication systems", any system involved in the sending and/or receiving at a
165 distance of voice, sound, data, and video transmissions. This definition shall also include the
166 placing, installing and altering of any cables or telecommunications equipment on poles, in
167 manholes, vaults, buildings, and in central switching offices.

168

169 "Telecommunications Contractors", a corporation, firm or person who, by the
170 employment of licensed telecommunications apprentices and/or technicians, performs the work
171 of telecommunications in accordance with the provisions of this chapter.

172

173 "Telecommunications Technician", a person who, by reason of his or her knowledge of
174 the mathematical and physical sciences, and the principles, functions and fundamentals of the
175 categories of telecommunications defined under provisions of this chapter acquired by
176 professional education and /or practical experience, is qualified to engage in telecommunications
177 work as attested by his or her licensing as a telecommunications technician in this state.

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

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

182

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

186

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

190

191 "Telecommunication device", an analog or digital electronic device, which processes
192 data, telephony, video or sound transmission as part of a telecommunications system.

193

194 "Telecommunications", any transmission, emission, or reception of voice, data or audio
195 visual systems.

196

197 "Design", the act of creating a document, either manually or electronically, that defines
198 the layout, placement and/or configuration of telecommunications infrastructure components or
199 physical topology(s); trunking or distribution routing(s) and/or their material components;
200 telecommunication outlet locations and/or their material components; telecommunication closet
201 locations and/or their material components for the purpose of defining telecommunications work
202 within this chapter. This definition does not include the recording of changes to a design that

reflects field changes made during installation of the telecommunications detailed in the said document.

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

Section 2. A license shall be issued to any person who has passed the examinations and meets all requirements provided for within this chapter for all of the categories of telecommunications described therein. The following forms of license shall be issued, TC and TT as defined within this chapter. Persons who hold a TC or TT license shall upon documented proof, to the board, of competency in fire warning, security or other inherently power limited systems be granted the C or D license.

(1) A Telecommunications Contractor, TC, license shall be issued to any person qualified under this chapter representing themselves, individually, or a firm, corporation or entity engaging in or about to engage in, the business of designing, installing, altering, servicing, or testing telecommunications Qualification shall be evidenced by passing the examination(s) for either of the two of telecommunications licenses described herein, and applicants who hold an equivalent out of state license, as determined by this board, issued by another state shall be allowed to take the Massachusetts form TC license examination. Applicants for the TC license who holds no equivalent form of TC license issued in another state must show evidence of three years of verifiable and continuous contracting experience will be allowed to take the Massachusetts form of TC license examination. Applicants who do not meet these qualifications

shall have been licensed as a Massachusetts Telecommunications Technician, TT, for a minimum of three years, immediately preceding the date of application, in order to qualify to take the TC examination.

(2) A Telecommunications Technician, TT, license shall be issued to any person who has passed the examination as defined within this chapter. The holding of a TT license shall entitle the holder individually to perform the actual work of installing, altering, servicing, or testing of telecommunications for which they have been granted certification. All such work performed shall be under the supervision of the holder of a TC license, except for a sole proprietor with one apprentice

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

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

(b) Companies and the permanent employees of companies who are regulated by the department of telecommunications and energy.

(c) This chapter shall not forbid the work of any person who holds a registration as a professional engineer or RCDD in this state in the performance of their normal duties.

Section 4. (a) The board shall issue certificates to individuals who have qualified to engage in telecommunications work under the provisions of this chapter. The board may

246 establish such rules and regulation for the issuance and renewal of certificates, as it deems
247 appropriate.

248 (b) The board shall have the power to suspend, revoke or annul certificates in accordance
249 with the provisions of this chapter. In all disciplinary proceedings brought pursuant to this
250 chapter, the board shall have the power to administer oaths, to summon witnesses, and to compel
251 the production of documents in accordance with the procedures applicable in the superior court.
252 Upon failure of any person to appear or produce documents in accordance with the boards' order,
253 the board may apply to a court of any jurisdiction to enforce compliance.

254 (c) The board shall have the power to file legislation to establish such subcategories
255 within the aforementioned licensing forms and categories as may be determined to be required to
256 accommodate significant or substantive changes or improvements in current technologies or to
257 accommodate new developments in technologies affecting telecommunications. Said
258 subcategories shall be specifically limited in purpose and scope.

259

260 Section 5. (a) Except as provided herein, no individual, firm, corporation or entity shall
261 provide or offer to install, alter, service or test telecommunications in this state or use any title,
262 sign, card or device implying that the individual, firm, corporation or entity is qualified to
263 provide said services unless said individual, firm, corporation or entity is the beneficial holder of
264 a currently valid license issued pursuant to this chapter.

265 (b) Any individual, partnership, corporation or entity which violates subsection (a) of this
266 chapter shall be guilty of a misdemeanor and upon conviction by a court of competent
267 jurisdiction shall be sentenced to pay a fine of not more than five hundred dollars for the first

offense, and a fine of not less than five hundred dollars nor more than one thousand dollars for each subsequent offense or imprisonment for not more than one year or both.

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

Section 6. No person shall be liable for prosecution for installing, altering, servicing, and/or testing telecommunications for which a license is required under this chapter without a license for the twelve month period following effective date of passage of provisions of this Act.

Section 7. (a) Applications for licenses required by the provisions of this chapter shall be filed with the board. If the applicant is an individual the application shall be subscribed and sworn to by such individual. If the applicant is a firm, partnership, corporation or entity, the application shall be subscribed and sworn to by an owner in the case of a firm, and by at least one general partner in the case of a partnership, and by a corporate officer in the case of a corporation. If the applicant is an individual and does not reside, operate a business or is not employed within the state, or if in the event the applicant is a firm, partnership, corporation or entity and no owner or general partner or corporate officer resides or is employed within the state, then the application must also be subscribed and sworn to by an individual having the authority and the responsibility for the management and operations of the business within the state.

(b) If the applicant is a corporation, the application shall specify the date and place of its incorporation, the location of the applicant's principal place of business, a list of the principal officers of the corporation, owners of twenty-five percent or more of outstanding stock of all

290 classes of the corporation, and the business address, residence address and the office or position
291 held by each such officer in the corporation.

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

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

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

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

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

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

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

303 (d) Applicants for TC license shall include the following information concerning the
304 applicant:

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

306 (2) A sworn statement as to the length of time that the applicant has been engaged in the
307 telecommunications business; and

308 (3) Evidence of experience as required by subsection (g) of this section.

(e) The licensing authority may require that the application include any other information which the licensing authority may reasonably deem necessary to determine whether the applicant or individual signing the application meets the requirements of this chapter or to establish the truth of the facts set forth in the application.

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

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

(1) Complete forms as approved by the licensing authority with employment verified by the qualified employer and signed under any of the penalties set forth for making false statements as evidence of experience;

(2) A valid license issued under the conditions of this chapter by the licensing authority;

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

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

Section 8. (a) The board shall establish suitable rules and regulations for the examination and licensing of telecommunications technicians and businesses, and also governing the practice of the professions of telecommunications. This shall not include any prohibition of employment of a properly licensed telecommunication technician, specialists or business.

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

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

Section 9. (a) After effective date of passage of provisions of this Act and at any time prior to the expiration of not less than one year or more than two years at the discretion of the Board following effective date of passage of provisions of this Act, the Board shall, without examination, upon payment of the fees herein require issue through the Division of Professional Licensure, a license "TC", "TT" to any applicant who shall present satisfactory evidence that he/she has the qualifications for the type of license applied for. The requirements and procedure for the issuance of such licenses shall be determined by the Board as Board policy and shall be set forth in written form. Should the Board reject the TT or TC license holders' qualifications for a C or D license that applicant shall retain the right to take the test for said C or D license within a reasonable length of time.

(b) Any person qualified to obtain a license TC or TT under this section who is prevented from making application wherefore by reason of service in the armed forces of the United States shall have six months after discharge or release from active duty to make such application.

(c) On and after such date as the department of telecommunications and energy no longer regulates a telephone company, a corporate affiliate of such telephone company, or a service provided by such company or corporate affiliate, the board shall issue an appropriate license as

provided in this chapter, to any person who is an employee of such telephone company or such corporate affiliate on such date who, as a result of such deregulation, shall become subject to the provisions of this chapter or any employee who after date of separation from a company which utilizes a formal examination and rating process and was exempt from licensure under provisions of section 7 of this chapter and who applies for any such licenses in accordance with the provisions of this chapter not later than six months after such date, provided any such employee shall not be required to pass any examination in order to qualify for any such license but shall thereafter be subject to all laws, rules and regulations of the board applicable to such licensure.

Section 10. (a) Application for renewal of a license must be received by the board no less than thirty days prior to the expiration date of the license, subject to the right of licensing authority to permit late filing upon good cause shown.

(b) The licensing authority may refuse to renew a license for any of the grounds set forth in this chapter and it shall promptly notify the licensee of its intent to refuse to renew the license. The licensee may, within fifteen days after receipt of the notice of intent to refuse to renew a license, request a hearing on that refusal in the manner prescribed in this chapter. A licensee shall be permitted to continue to engage in the business permitted by such license while its renewal application is pending.

(c) Every certificate shall expire on July 31st with a triennial renewal frequency (3 years). An individual may renew his license by payment of the renewal fee required. An individual who fails to renew his license prior to said date may not thereafter renew his license except upon payment of the renewal fee and the additional fee required by this chapter.

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

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

(c) Each individual identification card shall contain the name of the individual to whom it was issued, a head and shoulders picture (passport type) taken within three months prior to the date of issuance of the identification card, type of classification (JA, SA, TA).

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

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

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

Section 13. (a) All administrative procedures in this section shall be consistent with those of chapter 141 of this act. The secretary of the board shall keep a record of its proceedings. The record shall include the name, age, and last known address of each applicant for registration, information concerning each applicant's education, experience and other qualifications, the text of all examinations administered and the results thereof and such other information as the board deems appropriate. The record of the board shall be prima facie evidence of the proceedings and a certified transcript by the secretary shall be admissible in evidence with the same force and effect as if the original were produced.

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

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

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

(1) Bribery, fraud, or misrepresentation in obtaining a license;

(2) Performing or engaging in the installation, alteration, service, or testing of telecommunications in another state or country in violation of the laws of that state or country;

(3) Performing or engaging in the installation, alteration, service or testing of telecommunications in this state in violation of the provisions of this chapter or standards of professional conduct established and published by the board;

(4) Fraud, deceit, recklessness, gross negligence, or incompetence in the installation, alteration service, or testing of telecommunications;

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

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

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

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

(e) Either party (complainant or respondent) in any enforcement action brought before the board may appeal the ruling of the board to the Division of Administrative Law Appeals. The director may, for just cause, return the matter to the board for reconsideration. Enforcement action on this matter will be suspended during this appeal process. Any appeal brought under this provision must be made to the Division of Administrative Law Appeals within 30 calendar days from the date of the original ruling of the board. Said appeal must be acted upon by the Division of Administrative Law Appeals within thirty calendar days from receipt the board shall return a determination of the reconsideration within sixty calendar days from the date of return from the Division of Administrative Law Appeals. There shall be right to appeal of the reconsideration, should either party chose, through the courts.

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

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