

HOUSE No. 192

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 relative to a Twenty-first Century Systems License.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------|-----------------------|------------------|
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> | <i>1/14/2015</i> |

HOUSE No. 192

By Miss Garry of Dracut, a petition (accompanied by bill, House, No. 192) of Colleen M. Garry relative to establishing a board of electrical and systems examiners. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

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

An Act relative to a Twenty-first Century Systems License.

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 2012
2 Official Edition, is hereby amended by striking out the section in its entirety and inserting in
3 place thereof the following new section: State board of electrical and systems examiners;
4 membership; appointment; term; executive director; compensation and expenses.

5 There shall be a board of electrical and systems examiners, hereinafter called the board,
6 which shall consist of the state fire marshal, the associate commissioner for the division of
7 occupational education in the department of education, ex officiiis, the commissioner of public
8 safety or his designee, and 9 persons to be appointed for terms of 3 years by the governor who
9 shall serve no more than two terms. One of said appointees shall be a representative of the
10 public, subject to the provisions of section nine B of this chapter, and one shall be a local wiring
11 inspector who is an electrician licensed under chapter one hundred forty-one. Eight of said
12 appointees shall be citizens of the commonwealth: one of whom shall be a master electrician

13 who holds a certificate A license issued under said chapter one hundred forty-one and has at least
14 ten years experience as an employing master electrician; one shall be a master electrician who
15 holds certificate A and certificate B licenses issued under chapter one hundred forty-one, and has
16 at least ten years experience as a master electrical contractor; one shall be a journeyman
17 electrician who holds a certificate B license issued under said chapter one hundred forty-one, is a
18 wage earner and has at least ten years practical experience in the installation of wires and
19 appliances for carrying electricity for light, heat, and power purposes; one shall be a systems
20 contractor who holds a certificate C license issued under said chapter one hundred forty-one, is
21 actively engaged in the business of inherently power limited systems as his principal business
22 and has at least 10 years as an employing systems contractor; one shall be a systems technician
23 who holds a certificate D license issued under said chapter one hundred forty-one, is a wage
24 earner and has at least ten years practical experience in the installation, repair and maintenance
25 of systems; one shall be a systems contractor who holds a certificate C/r license issued under said
26 chapter one hundred forty-one, is actively engaged in the business of inherently power limited
27 systems and has at least ten years as an employing systems contractor; one shall be a systems
28 technician who holds a certificate D/r license issued under said chapter one hundred forty-one, is
29 a wage earner and has at least ten years practical experience in the installation, repair and
30 maintenance of systems for ten years prior to appointment; one shall be a non-voting member of
31 the board who does not hold a license issued under said chapter one hundred forty-one, but is a
32 representative of the New England Section of the International Municipal Signal Association
33 who holds at least a level I competency certificate from said association, is a municipal employee
34 and has at least ten years practical experience in the installation, repair, maintenance of fire
35 warning or signaling systems. The state fire marshal shall be chairman. The board shall maintain

36 an education subcommittee comprised of four board members, two representing the electrical
37 and two representing the systems industry, and the associate commissioner for the division of
38 occupational education member which shall meet regularly and shall at each monthly meeting of
39 the board, submit a written report. The minutes of any board meeting shall incorporate by
40 reference any written report submitted by the education subcommittee. Industry professionals
41 with relevant specialized experience, including representatives from industry trade associations,
42 may participate in subcommittee meetings as appropriate. The board shall appoint an executive
43 director who shall be a wage earner, a citizen of the commonwealth and a current holder of a
44 certificate A with a minimum of 10 years experience engaging in the business of electrical
45 installations. The board may also appoint, subject to chapter thirty-one, such other clerical and
46 technical assistants as may be necessary to discharge its duties under chapter one hundred forty-
47 one and shall establish their responsibilities. The members, ex officiiis, shall receive no
48 compensation for their services under chapter one hundred forty-one, but the appointive
49 members shall each receive for their services thereunder a salary of seven hundred fifty dollars.
50 The board may expend for the salaries of the appointive members and of the director and other
51 employees and for necessary traveling and other expenses for themselves and their employees
52 such sums as are annually appropriated therefor.

53 SECTION 2. Said chapter 13, as so appearing, is hereby further amended in section 32A,
54 by striking the title and inserting the following new title:- State Board of Electrical and Systems
55 Examiners Appeals; creation; membership; rules and regulations; meetings; private interest;
56 clerical personnel. Said section 32A is hereby further amended by striking the word
57 “electricians” in line 1, and inserting in place thereof the following words:- electrical and
58 systems examiners. Said section is hereby further amended by striking the words “state

59 examiners of electricians” in lines 2, 3 and 17 and inserting the following words:- board of
60 electrical and systems examiners. Said section is hereby further amended by inserting after the
61 word “board” in line 3, the following words:- of appeals.

62 SECTION 3. Section 50 of Chapter 30 of the General Laws, as appearing in the 2012
63 Official Edition, is hereby amended by striking the words, “state examiners of electricians” in
64 line 9, and replacing it with the following:- board of electrical and systems examiners

65 SECTION 4. Section 3P of Chapter 143 of the General Laws, as appearing in the 2012
66 Official Edition, is hereby amended by striking the word “electricians” in the title and lines 5,
67 18 and 19, and replacing it with the following words:- electrical and systems examiners

68 SECTION 5. Said chapter 143, as so appearing, is hereby further amended in section 3L,
69 by inserting in line 5 after the word “purposes” the following:- and of systems
70 as regulated in chapter 141 for life safety purposes

71 SECTION 6. Said section 3L of said chapter 143 is hereby further amended by striking
72 the fourth and fifth paragraph and inserting the following:-

73 No person or business entity shall install any electrical wiring, fixtures or systems subject
74 to this section without first or within five working days of commencing work and making
75 application, including payment of any fee established therefor, for an electrical permit from the
76 city or town in which the electrical installation is to be performed. Said permit application shall
77 be made only by an licensed electrician, systems contractor or an agent thereof; shall be on a
78 form prepared by the board that shall require documentation of the public safety license number
79 as proof of compliance with sections 57 to 61 of chapter one hundred forty-seven and; which

80 shall be accepted without additions or modifications by all cities and towns in the
81 commonwealth, and shall be transmitted by any of the following methods: electronically if
82 acceptable to the city or town; by mail; or in person; to the inspector of wires appointed pursuant
83 to the provisions of section thirty-two of chapter one hundred sixty-six, or an agent thereof. A
84 permit application so transmitted shall be considered to have been validly submitted, and shall
85 not be denied for any reason other than an incomplete application, the lack of the appropriate fee,
86 or if otherwise provided by law. Any person or business entity failing to make such application
87 shall be punished by a fine not exceeding five thousand dollars. This section shall be enforced
88 by the inspector of wires within his jurisdiction and the state board of electrical and systems
89 examiners.

90 Any person or business entity installing electrical wiring, fixtures or systems subject to
91 this section shall notify the inspector of wires upon the completion of the work. Within time
92 limits established by the board, in written regulation, the inspector of wires shall inspect such
93 work and thereupon give notice of his approval or disapproval of said work, which may be oral
94 or in writing. A notice of disapproval shall contain specifications of the part of the work
95 disapproved, together with a reference to the rule or regulation of the board of fire prevention
96 regulations that has been violated or notice of lack of compliance with sections 57 to 61 of
97 chapter one hundred forty-seven. Any notice of disapproval shall be made in writing within 5
98 working days upon receiving the request of the person installing the work, and the time of
99 service of said written notice shall be recorded in the office of the inspector of wires. Said board
100 of fire prevention regulations shall expend a sum not exceeding two thousand dollars for
101 purposes of instruction and dissemination of new and useful knowledge including, but not

102 limited to, uniform requirements of safety in relation to life, fire and explosion among and for the
103 benefit of inspectors of wires, appointed in accordance with section 32 of chapter 166.

104 SECTION 7. Section 1 of Chapter 141 of the General Laws, as appearing in the 2012
105 Official Edition, is hereby amended by inserting before the definition of “Fee” the following
106 definition:—

107 “Apprentice”, a person at least 16 years of age and registered with the state board of
108 electrical and system examiners working under the direct personal supervision of either a
109 licensed journeyman electrician or licensed systems technician performing work for which a
110 journeyman license or systems technician license is required.

111 SECTION 8. Said section 1 of Chapter 141, as so appearing, is hereby amended by
112 inserting before the definition of “Fee” the following definition:-

113 “Data Transmission,” the movement of digitized information between local or distant
114 points with or without connecting wires.

115 SECTION 9. Said section 1 of Chapter 141, as so appearing, is hereby amended by
116 striking in its entirety the definition of “Inherently power limited system” and replacing it with
117 the following definition:-

118 “Inherently power limited system” a system of wires, conduits, apparatus, devices,
119 fixtures or other appliances installed and interconnected requiring no overcurrent protection due
120 to design or construction which conducts or consumes electricity and is electrically or
121 electronically activated.

122 SECTION 10. Said section 1 of Chapter 141, as so appearing, is hereby amended by
123 striking the words “fire warning or security system purposes” in lines 14, 15, and 20 and
124 inserting the following:- fire warning, security, telecommunications or any system purposes

125 SECTION 11. Said section 1 of Chapter 141, as so appearing, is hereby amended by
126 striking the word “and” in line 27 and inserting in place thereof the following:- ,

127 Said section is hereby further amended by inserting after the word “of” in line 29, the
128 following:- intelligence, such as

129 SECTION 12. Said section 1 of Chapter 141, as so appearing, is hereby amended by
130 inserting before the definition of “System” the following definition:-

131 “Sound Transmission,” the movement of audible information, including but not limited to
132 music or speech, between local or distant points and generally for broadcast or disbursement
133 over a defined area with or without connecting wires.

134 SECTION 13. Said section 1 of Chapter 141, as so appearing, is hereby amended by
135 inserting before the definition of “System” the following definition:-

136 “Standalone Appliance,” equipment that utilizes electric energy for mechanical,
137 chemical, heating, lighting, or similar purposes that is normally built in standardized sizes or
138 types, that is installed or connected as a unit to perform one or more functions and that is capable
139 of being operated without exposing the operator to contact with electrical signals, conductors,
140 buses, terminals or components that are un-insulated, exposed or where a shock hazard exists.

141 SECTION 14. Said section 1 of Chapter 141, as so appearing, is hereby amended by
142 striking the definition of “System” in its entirety and inserting the following:-

143 “System” a fire warning, security, telecommunications or any inherently power limited
144 system, conductor, cable, raceway, apparatus, device, fixture, component or other appliance that
145 is not a standalone appliance and is connected to a source of electricity or that is controlled
146 through the use of electrical signals, including optical fiber cables and that is interconnected
147 electrically, electronically, photo-electronically or by wireless technology for the control,
148 integration or transmission of intelligence, signs, signals, writings, images, sound, telephony,
149 data, video or information by electricity or any nature including by wire, radio, visual, optical or
150 electromagnetic means.

151 SECTION 15. Section 1 of Chapter 141 of the General Laws, as so appearing, is hereby
152 amended by adding at the end thereof the following definition:-

153 “Telecommunications System,” an inherently power limited system that is not a
154 standalone appliance and is permanently connected to a source of electricity or that is
155 permanently controlled through the use of electrical signals, including optical fiber cables and
156 that is interconnected electrically, electronically, or photo-electronically or by wireless
157 technology for the transmission of intelligence by electricity, including sound, telephony, video,
158 and data transmission.

159 SECTION 16. Section 1 of Chapter 141 of the General Laws, as so appearing, is hereby
160 amended by adding at the end thereof the following definition:-

161 “Telephony,” the movement of sounds and especially speech between local or distant
162 points with or without connecting wires.

163 SECTION 17. Section 1 of Chapter 141 of the General Laws, as appearing in the 2002
164 Official Edition, is hereby amended by adding at the end thereof the following definition:-

165 “Video Transmission,” the movement of images between local or distant points with or
166 without connecting wires.

167 SECTION 17. Section 1A of said chapter 141, as appearing in the 2012 Official Edition,
168 is hereby struck and is replaced with the following new section:—

169 Licensure requirement; exceptions; restrictive endorsements

170 Section 1A. (a) No person, firm or corporation shall enter into, engage in, or work at the
171 business or occupation of installing wires, conduits, apparatus, devices, fixtures, or other
172 appliances for carrying or using electricity for light, heat, power, fire warning, security,
173 telecommunications or any system purposes as defined in this chapter, unless such person, firm
174 or corporation shall be licensed by the board of electrical and systems examiners in accordance
175 with this chapter and, with respect to security systems, no person or business, or officer,
176 employee, representative or member thereof shall perform this work unless licensed under this
177 chapter and any such person or business, including all employees or representatives thereof, shall
178 also be licensed by the commissioner of public safety to the extent required by the provisions of
179 sections fifty-seven to sixty-one, inclusive, of chapter one hundred forty-seven.

180 (b) Except for the requirements in section 3A, this chapter shall not apply to an
181 apprentice employed by a person, firm, or corporation, licensed in accordance with this chapter.
182 This chapter shall not apply to a person not engaged in the business described in this section who
183 employs or contracts for the services of a person, firm or corporation engaged in such business or
184 to an agent, employee or assistant of a person, firm or corporation licensed in accordance with
185 this chapter who does not engage in or perform the actual work described in this section.

186 (c) Not less than one year nor more than two years after the effective date of this act, the
187 board shall, at its discretion, without examination and upon payment of the fees herein required,
188 issue, through the division of professional licensure, a restrictive endorsement license, “C/r” or
189 “D/r”, to any applicant who shall present satisfactory evidence that he is qualified for
190 telecommunications and any other system work for the type of license sought; provided the
191 applicant shall be subject to the penalties and superior court proceedings set forth in section 5 of
192 this chapter for any misstatements as to his experience or other qualifications in the application.
193 A holder of a C/r certificate shall not engage in the business of installing, repairing or
194 maintaining fire warning or security systems and the holder of a D/r certificate shall not engage
195 in the work of installing, repairing or maintaining fire warning or security systems. Any person,
196 firm or corporation shall be liable for prosecution by the board for engaging in the business of
197 fire warning or security systems or for installing, repairing, maintaining, altering or servicing fire
198 warning or security systems, for which a license is required under this chapter. The requirements
199 and procedure for the issuance of such restrictive endorsement licenses shall be determined by
200 the Board and shall be set forth in written regulation. No restrictive endorsement license shall be
201 granted without the sanction of the board. Said restrictive endorsement licenses shall be
202 renewable by the holder consistent with subsections (7) and (8) of section 3 of this chapter;
203 provided however, that said holder shall have a process for removing the restrictive endorsement
204 from the certificate that includes, but is not limited to the following:

205 (1) A holder of a D/r certificate shall voluntarily tender said certificate to the board in
206 exchange for a D certificate upon demonstrating proof of 300 hours of classroom training in
207 electronic systems with a minimum of 25 hours in security, fire warning, intrusion, surveillance
208 video, and access control; one continuing education 15 hour course in Massachusetts laws, codes

209 and regulations specific to fire and security; 4000 hours of on the job field experience working
210 in the field of installation, repair and maintenance of electronic systems including telephony,
211 data communications, sound or video, of which 1000 hours or 6 months, consists of on-the-job
212 supervised apprenticeship training working on fire warning and security systems with a licensee
213 authorized to install fire and security; and a current license by the commissioner of public safety
214 in accordance with the provisions of sections 57 to 61, inclusive, of chapter 147.

215 (2) A holder of a C/r certificate shall voluntarily tender said certificate to the board in
216 exchange for a C certificate upon demonstrating proof he is a holder of a valid D certificate; has
217 engaged in the business of installing, repairing or maintaining inherently power limited systems,
218 including telephony, data communications, sound or video or any systems, excluding fire
219 warning or security, for a minimum of one year; a current license by the commissioner of public
220 safety in accordance with the provisions of sections 57 to 61, inclusive, of chapter 147; and 75
221 hours in business related courses or proof of equivalent knowledge base for contractors in the
222 relevant Massachusetts laws, codes and regulations.

223 (d) Any person qualified to obtain a certificate C/r or D/r under this section who is
224 prevented from making application therefor by reason of service in the armed forces of the
225 United States shall have six months after discharge or release from active duty to make such
226 application.

227 (e) After such date as the department of telecommunications and energy no longer
228 regulates a telephone company, a corporate affiliate of such telephone company, or a service
229 provided by such company or corporate affiliate, the board shall issue an appropriate certificate,
230 as provided in this section, to any person who is an employee of such telephone company or such

231 corporate affiliate on such date who, as a result of such deregulation, becomes subject to the
232 provisions of this chapter. The board shall issue an appropriate certificate, as provided in this
233 section, to any employee who, not more than 6 months after his separation from a company that
234 utilizes a formal examination and rating process and is therefore exempt from licensure under
235 section 7 of this chapter, applies for any such license in accordance with this section. Any such
236 employee shall not be required to pass any examination in order to qualify for any such license
237 but shall thereafter be subject to all laws, rules and regulations of the board applicable to such
238 licensure.

239 SECTION 18. Section 2 of chapter 141 of the General Laws, as appearing in the 2002
240 Official Edition, is hereby amended by striking out, in line 1, the words “state examiners of
241 electricians” and inserting in place thereof the following:— board of electrical and systems
242 examiners.

243 SECTION 19. Section 2B of chapter 141 of the General Laws, as appearing in the 2012
244 Official Edition, is hereby amended by striking out, in line 4, the words “for electricians” and
245 inserting in line 5, after the word “section”, the following words:- for a systems contractor, a
246 systems technician or

247 SECTION 20. Section 3 of said chapter 141, as so appearing, is hereby amended by
248 striking out, each time it appears, the words “state examiners of electricians” and inserting in
249 place thereof the following:— board of electrical and systems examiners

250 SECTION 21. Said section 3 is hereby further amended by striking subsection (3) and
251 inserting the following new subsection:-

252 (3) Certificate C shall be issued to any person, firm or corporation engaged in or about to
253 engage in the business of installing, repairing, or maintaining inherently power limited systems;
254 provided, however, that such person or a member of such firm or an officer of such corporation
255 has passed an examination before the board of electrical and systems examiners and such person
256 or a member of such firm or officer of such corporation has held a certificate D license for at
257 least twelve months.

258 SECTION 22. Said Chapter 141 is hereby further amended by inserting after Section 3
259 the following new section:—

260 Section 3A. Apprentices; registration

261 Any person working as an apprentice to a licensed journeyman electrician or licensed
262 systems technician who meets the requirements established by the board of electrical and
263 systems examiners shall be registered as an apprentice with the board in accordance with this
264 chapter; provided, however, that students enrolled at vocational training schools within the
265 commonwealth who are working under the direct supervision of such school's vocational
266 education teachers shall be exempt from registration during their term of enrollment; and
267 provided further, that students who are working on security systems shall be licensed by the
268 commissioner of public safety in accordance with the provisions of sections fifty-seven to sixty-
269 one, inclusive, of chapter one hundred and forty-seven.

270 The board of electrical and systems examiners shall issue the following certificates:
271 certificate JA for apprentice electricians and certificate SA for systems apprentice technicians.
272 The fee for such certificate shall be determined by the secretary of administration, pursuant to
273 section 3B of chapter 7, in consultation with the board of electrical and systems examiners.

274 Certificates JA and SA shall expire on January 1 of the third year after their issuance, but said
275 certificates may be renewed by the holder upon application and payment of a fee as determined
276 by the secretary of administration, pursuant to section 3B of chapter 7, in consultation with the
277 board of electrical and systems examiners. In the case of failure to renew a certificate before its
278 expiration, the holder, in accordance with the rules and regulations of the board and upon
279 payment of the renewal fee increased by any additional fees that would have been payable had
280 such certificate been continuously renewed, may receive a deferred renewal thereof. Such
281 renewed certificate shall not constitute its holder registered for any period preceding its issuance.
282 A holder of a certificate A, certificate C or an employer of persons holding a certificate B,
283 certificate D or certificate D/r pursuant to section 1A of this chapter, shall maintain written
284 records of the duration of work performed by an apprentice registered in accordance with this
285 section.

286 SECTION 23 . Said Chapter 141 is hereby further amended by striking Section 5 in its
287 entirety and inserting in place thereof the following new Section:-

288 Section 5. Any person, firm or corporation, or employee thereof, and
289 any representative, member or officer of such firm or corporation individually,
290 entering upon or engaging in the business and work hereinbefore defined, or
291 publicly holding oneself out as so authorized, without the appropriate certificate
292 described in section 3 of this chapter, shall for the first offence be punished by a
293 fine of not less than one thousand nor more than two thousand-five hundred
294 dollars, and for a subsequent offence by a fine of not less than two thousand-five

295 hundred dollars nor more than five thousand dollars or by imprisonment in the
296 house of correction for six months, or both.

297
298 The examiners and the inspectors of wires in each city and town, as defined in
299 section thirty-two of chapter one hundred and sixty-six, shall be charged with the
300 enforcement of this chapter, including notification of violations with respect to
301 security systems to the department of public safety consistent with the provisions
302 of sections 57 to 61, inclusive, of chapter 147. They shall have all necessary
303 powers to require compliance therewith, including, but not limited to, the power to
304 institute and prosecute proceedings in the superior court department of the trial
305 court and the power to ensure appropriate injunctive relief to expedite the secure
306 enforcement of its order against conduct requiring licensure in accordance with the
307 provisions of this chapter, chapter 147, and regulations promulgated thereunder.

308 SECTION 24. Section 7 of said Chapter 141 as so appearing is hereby further amended in
309 line 22 after the word “premises;” by inserting the following words:- or persons installing or
310 repairing a telecommunications system in a motor vehicle, as defined in section one of chapter
311 ninety, or by employees of class 1 or class 2 licensees as defined under section fifty-eight of
312 chapter one hundred forty;

313 SECTION 25. Transitional Provisions

314 Within four months of the effective date of this act, the Governor shall appoint board
315 members to the positions described under section 32 of chapter 13, as amended herein, who are
316 actively engaged, have at least ten years experience and shall qualify for licensure under the
317 amended chapter 141. Within a period of not more than one year after the effective date of this
318 act, the new board of electrical and systems examiners shall with the counsel of an advisory
319 committee, adopt regulations consistent with a graduated model of education and training
320 consistent with the restricted endorsement provisions of section 1A of chapter 141 as amended
321 herein. Said advisory committee shall consist of one representative from each of the following
322 associations or organizations: IBEW local 2222, IBEW local 103, Massachusetts Electrical
323 Contractors Association, Massachusetts Systems Contractors Association, CEDIA and the
324 National Systems Contractors Association.

325 SECTION 26. Section 57 of Chapter 147 of the General Laws, as appearing in the 2002
326 Official Edition, is hereby amended by striking the word “and” in line 5 and inserting in place
327 thereof the following:- ,

328 SECTION 27. Said section 57 is hereby further amended by inserting after the word “of”
329 in line 6, the following:- intelligence, such as

330 SECTION 28. Said section 57 is hereby further amended in line 9 after the word
331 “business” by inserting the following words:- or in the work