HOUSE DOCKET, NO. 888 FILED ON: 1/14/2015

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:
Colleen M. Garry	*36th Middlesex*	*1/14/2015*

HOUSE DOCKET, NO. 888 FILED ON: 1/14/2015

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:

SECTION 1. Section 32 of chapter 13 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out the section in its entirety and inserting in place thereof the following new section: State board of electrical and systems examiners; membership; appointment; term; executive director; compensation and expenses.

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

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

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

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

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

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

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

SECTION 5. Said chapter 143, as so appearing, is hereby further amended in section 3L,

by inserting in line 5 after the word "purposes" the following:- and of systems

as regulated in chapter 141 for life safety purposes

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

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

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

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

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

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

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

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

"Data Transmission," the movement of digitized information between local or distant points with or without connecting wires.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Telephony," the movement of sounds and especially speech between local or distant points with or without connecting wires.

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

"Video Transmission," the movement of images between local or distant points with or without connecting wires.

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

Licensure requirement; exceptions; restrictive endorsements

Section 1A. (a) No person, firm or corporation 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, security, telecommunications or any system purposes as defined in this chapter, unless such person, firm or corporation shall be licensed by the board of electrical and systems examiners in accordance with this chapter and, with respect to security systems, no person or business, or officer, employee, representative or member thereof shall perform this work unless licensed under this chapter and any such person or business, including all employees or representatives thereof, shall also be licensed by the commissioner of public safety to the extent required by the provisions of sections fifty-seven to sixty-one, inclusive, of chapter one hundred forty-seven.

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

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

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

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

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

(d) Any person qualified to obtain a certificate C/r or D/r under this section who is prevented from making application therefor 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.

(e) 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 certificate, as provided in this section, 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, becomes subject to the provisions of this chapter. The board shall issue an appropriate certificate, as provided in this section, to any employee who, not more than 6 months after his separation from a company that utilizes a formal examination and rating process and is therefore exempt from licensure under section 7 of this chapter, applies for any such license in accordance with this section. 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 18. Section 2 of chapter 141 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out, in line 1, the words “state examiners of electricians” and inserting in place thereof the following:— board of electrical and systems examiners.

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

SECTION 20. 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:— board of electrical and systems examiners

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

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

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

Section 3A. Apprentices; registration

Any person working as an apprentice to a licensed journeyman electrician or licensed systems technician who meets the requirements established by the board of electrical and systems examiners shall be registered as an apprentice with the board in accordance with this chapter; provided, however, that students enrolled at vocational training schools within the commonwealth who are working under the direct supervision of such school's vocational education teachers shall be exempt from registration during their term of enrollment; and provided further, that students who are working on security systems shall 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.

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

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

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

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

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

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

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

SECTION 25. Transitional Provisions

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

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

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

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