

**HOUSE . . . . . No. 2623**

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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:

*Harold P. Naughton, Jr.*

DISTRICT/ADDRESS:

*12th Worcester*

**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 officiiis , 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:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

71

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

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

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

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

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

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

94

95 Section 3A. Any person working as an apprentice to a licensed journeyman electrician,  
96 licensed systems or telecommunications technician who meets the requirements established by  
97 the state board of electrical, system and telecommunications examiners shall be registered as an  
98 apprentice with the state examiners in accordance with this chapter; provided, however, that  
99 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:-

120           Section 7. This chapter shall not apply to: the installation, repair, and wiring of elevators;  
121 the work in connection with the erection, construction, maintenance, or repair of lines for the  
122 transmission of electricity from the source of supply to the service switch on the premises when  
123 such work is performed by permanent employees of municipal electric plants; and by electric  
124 companies as defined in section one of chapter one hundred and sixty-four when installed by  
125 permanent employees of electric companies as defined in section one of chapter one hundred  
126 and sixty-four; by gas companies authorized to make or sell electricity, and installed by  
127 permanent employees of gas companies authorized to make or sell electricity, by electric street  
128 railway companies, by electric railroad companies by railroad companies when installed by  
129 employees of said companies; the work of such plants or companies on premises owned or  
130 controlled by them when installed by permanent employees of said companies; the work of said  
131 municipal electric plants or of said electric or gas companies in installing, maintaining, and  
132 repairing on the premises of customers, service connections and meters, and other apparatus and  
133 appliances remaining on the property of such plants or companies after installation when  
134 installed by permanent employees of said companies; public employees engaged in the work of  
135 installing, maintaining or repairing public signaling systems; the work in connection with the  
136 lighting of public ways, alleys, private ways, or public parks, areas or squares, provided such  
137 work is performed by persons in the regular employment of municipality; the work of any  
138 company subject to regulation by the department of telecommunications and energy, and  
139 incorporated for the transmission of intelligence by electricity, or any legally established affiliate  
140 thereof or licensed video provider, in the installation, maintenance, or repair of wires, conduits,  
141 apparatus, fixtures, or other appliances used by such companies and necessary for, or incident to,  
142 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

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

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

208

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

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

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

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

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

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

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

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

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

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

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

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

275

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

287 (b) If the applicant is a corporation, the application shall specify the date and place of its  
288 incorporation, the location of the applicant's principal place of business, a list of the principal  
289 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.



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

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

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

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

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

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

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

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

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

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

334

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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