HOUSE DOCKET, NO. 1776 FILED ON: 1/17/2013

HOUSE . . . . . No. 1352

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 passage of the accompanying:

An Act relative to preventing the unlicensed practice of the electrical and systems trade or profession.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Colleen M. Garry	*36th Middlesex*

HOUSE DOCKET, NO. 1776 FILED ON: 1/17/2013

HOUSE . . . . . No. 1352

By Ms. Garry of Dracut, a petition (accompanied by bill, House, No. 1352) of Colleen M. Garry relative to the penalties for unlicensed persons performing work requiring a licensed electrician. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to preventing the unlicensed practice of the electrical and systems trade or profession.

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 5 of chapter 141 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking said section in its entirety and inserting in place thereof the following 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 having complied with this chapter, shall for the first offence be punished by a fine of not less than ten nor more than one thousand dollars, and for a subsequent offence by a fine of not less than fifty 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 the 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 by a firm or corporation requiring a license in accordance with the provisions of this chapter or regulations promulgated thereunder.”

20 SECTION 2. Section 65 of chapter 112 of the General Laws, as appearing in the 2010
21 Official Edition, is hereby amended by inserting in line 31 after the word “court” the following
22 :- (i)

23 SECTION 3. Said Section 65 of chapter 112 of the General Laws is hereby further
24 amended by inserting in line 32 after the words “profession or” the following:- (ii); and in line 33
25 by inserting after the words “penalty or” the following:- (iii)

26 SECTION 4. Section 3P of chapter 143 of the General Laws, as appearing in the 2010
27 Official Edition, is hereby amended by inserting in line 38 after the word “section”, the
28 following:-

29 , unless consistent with subsection (c)(i) of Section 65 of chapter 112, in the judgment of
30 the inspector of wires or other person charged with enforcement, the violation poses an issue of
31 consumer protection whereby said person or the board of electricians' appeals may apply to the
32 appropriate court for an order enjoining the unlicensed practice of a trade or profession

33 SECTION 5. Section 57 of chapter 147 of the General Laws, as appearing in the 2010
34 Official Edition, is hereby amended by striking the second paragraph in its entirety, and inserting
35 in place thereof, the following paragraph:-

36 No person, firm or corporation shall engage in, advertise, or hold himself or itself out as
37 being engaged in the business of installing, repairing, or offering maintenance for security
38 systems, notwithstanding the name or title used in describing such business, unless licensed for
39 such purpose as provided in sections fifty-eight and fifty-nine of this chapter and section three of
40 chapter one hundred and forty-one. Whoever violates any provision of this section shall be
41 punished, consistent with section 21 of chapter 22 by a fine of not less than two hundred nor
42 more than five thousand dollars or by imprisonment for not more than one year, or both.

43

44 SECTION 6. Section 60 of said chapter 147, is hereby amended by striking the second
45 paragraph in its entirety, and inserting in place thereof, the following paragraph:-

46 If a licensee falsely states or represents that a person was or is in his employ, such false
47 statement or representation shall be cause for revocation or suspension of his license and shall be
48 subject to the penalties set forth in section fifty-seven. Whoever falsely states or represents that
49 he is employed or has been employed by a licensee shall be punished, consistent with section 21
50 of chapter 22 by a fine of not less than fifty nor more than five thousand dollars