

SENATE No. 161

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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 strengthening the enforcement of certain licenses.

PETITION OF:

NAME:

James E. Timilty

DISTRICT/ADDRESS:

Bristol and Norfolk

SENATE No. 161

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 161) of James E. Timilty for legislation to strengthen the enforcement of certain licenses. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 198 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act strengthening the enforcement of certain licenses.

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. Chapter 10 of the General Laws, as appearing in the 2014 Official Edition,
2 is hereby amended by inserting after section 35XX the following new section:-

3 Section 35YY. There shall be established and set up on the books of the commonwealth a
4 separate fund to be known as the Wiring Inspector Education Trust Fund. The fund shall consist
5 of fifty percent of monies paid to the state’s board of electrical examiners or board of
6 electricians’ appeals pursuant to section 65A of chapter 112; or section 5 of chapter 141, together
7 with any interest or earnings accrued on such monies through investment or deposit. The state
8 treasurer shall be the custodian of the fund and shall receive, deposit and invest all monies
9 transmitted to him under this section in accordance with sections 34, 34A and 38 of chapter 29 in
10 such a manner as to secure the highest rate of return available consistent with the safety of the

11 fund, and shall credit interest and earnings on the trust fund corpus to the trust fund. The state
12 treasurer shall transfer funds from the income and receipts of the fund to the secretary of
13 administration and finance, from time to time, at the request of the secretary. The secretary shall
14 administer grants from the fund, without further appropriation, and shall award them to inspector
15 of wires associations, cities or towns in the commonwealth to provide education, training,
16 professional and support services for the benefit of inspectors of wires appointed in accordance
17 with section 32 of chapter 166 and charged with the enforcement of chapter 141 and chapter 147.
18 The secretary shall develop written criteria for the awarding of grants and other funding
19 allocations, which shall be evaluated and, if necessary, revised on an annual basis. The secretary
20 shall file a report detailing the amount of funds collected and expended from the fund along with
21 a copy of the written criteria used to expend the funds to the house and senate committees on
22 ways and means annually not later than February 28. An amount not to exceed 5 per cent of the
23 total funds deposited in the fund may be expended by the secretary for administrative costs
24 directly attributable to the grants and programs funded by the fund, including, but not limited to,
25 the costs of clerical and support personnel. Any unexpended balance of monies in the fund at the
26 end of the fiscal year shall not revert to the General Fund but shall remain available for
27 expenditure from such fund in subsequent fiscal years. No expenditure made from the fund shall
28 cause the fund to become deficient at any point during a fiscal year.

29 SECTION 2. Chapter 112, as so appearing, is hereby amended in section 65A by striking
30 out, in line 7, the figure "\$1,000" and inserting the following figure:- \$2,500

31 SECTION 3. Said section 65A of chapter 112 is hereby amended by striking out, in line
32 8, the figure "\$2,500" and inserting the following figure:- \$5,000

33 SECTION 4. Chapter 141, as appearing in the 2012 Official Edition, is hereby amended
34 by striking section 5 in its entirety and inserting in place thereof the following new section:-
35 Section 5. Any person, firm or corporation, or employee thereof, and any representative, member
36 or officer of such firm or corporation individually, entering upon or engaging in the business and
37 work hereinbefore defined, or publicly holding oneself out as so authorized, without the
38 appropriate certificate described in section 3 of this chapter, shall for the first offence be
39 punished by a fine of not less than one thousand nor more than two thousand-five hundred
40 dollars, and for a subsequent offence by a fine of not less than two thousand-five hundred dollars
41 nor more than five thousand dollars or by imprisonment in the house of correction for six
42 months, or both.

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

52 SECTION 5. Chapter 143 of the General Laws, as so appearing, is hereby amended in
53 section 3L by striking out, in line 28, the words “five hundred” and inserting in place thereof the
54 following words:- five thousand

55 SECTION 6. Said section 3L of said chapter is hereby amended by inserting after the
56 word “purposes”, in line 5, the following:- and of systems as regulated in chapter 141 for life
57 safety purposes

58 SECTION 7. Said section 3L of said chapter is hereby amended by inserting after the
59 word “fixtures”, in lines 22 and 31, the following:- or systems

60 SECTION 8. Said chapter 143 is hereby amended in section 3P by inserting after the
61 word “appeal”, in line 7, the following words:- and decide such appeal, subject to chapter 30A
62 relative to adjudicatory proceedings,

63 SECTION 9. Said section 3P of chapter 143 is hereby amended in the second paragraph
64 by striking the second, third, fourth and fifth sentences.

65 SECTION 10. Said section 3P of chapter 143 is hereby amended by striking the third
66 paragraph in its entirety and inserting place thereof the following: - The board’s decision shall be
67 final and binding upon all parties in interest, except that compliance with any notice,
68 interpretation, order, requirement or direction of an inspector of wires or other person charged
69 with the enforcement of the rules and regulations of the board of fire prevention regulations by
70 any person who continues to practice a trade or profession after his certificate, registration,
71 license or authority to do so has been suspended, revoked or cancelled under section 61 of
72 chapter 112 shall be excused pending the final determination of any appeal therefrom taken
73 under this section.