

HOUSE No. 01900

The Commonwealth of Massachusetts

PRESENTED BY:

John H. Rogers

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 bill:

An Act relative to licensing home appliance servicers.

PETITION OF:

NAME:

John H. Rogers

DISTRICT/ADDRESS:

12th Norfolk

HOUSE No. 01900

By Mr. Rogers of Norwood, a petition (accompanied by bill, House, No. 1900) of Rogers relative to the licensing of home appliance service professionals Joint Committee on Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 297 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to licensing home appliance servicers.

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 94 of Chapter 143 of the General Laws,
- 2 as appearing in the 2000 Official Edition, is hereby amended by
- 3 adding the following clause:—
- 4 (m) To issue licenses in accordance with chapter 143A.
- 5 SECTION 2. The General Laws are hereby amended by
- 6 inserting after chapter 143 the following chapter:—
- 7 CHAPTER 143B.

8 LICENSING OF HOME APPLIANCE SERVICERS (H.A.S).

9 Section 1. As used in this chapter, the following words shall

10 have the following meanings:

11 “Administrator”, the administrator of the state board of

12 building regulations and standards, an agency within the executive

13 office of public safety.

14 “Board”, the state board of building regulations and standards

15 established by section 93 of chapter 143.

16 “Licensee”, a person, firm, partnership or corporation licensed

17 under this chapter may disconnect and reconnect hardwiring,

18 water connections and gas connections necessary to repair or

19 replace an appliance.

20 “Appliance”, any appliance manufactured which may require

21 the tech to disconnect and reconnect electric, water and gas.

22 “H.A.S.”, a person, firm, partnership or corporation engaged in

23 installing, maintaining, servicing or testing appliances.

24 Section 2. No person, firm, partnership or corporation shall

25 enter into, engage in or work at the business of installing or
26 repairing appliances for which a permit is required unless such
27 person, firm, partnership, or corporation shall have received a
28 license issued by the administrator in accordance with this
29 chapter.

30 As used in this chapter the words "Class I licensee" shall mean
31 a person, firm, partnership or corporation who performs the work
32 of installing, manufacturing, altering, servicing, testing or maintaining
33 any household appliances. Applicants for a "Class I
34 license" shall have five years experience in installing, servicing,
35 maintaining and testing household appliances working under the
36 supervision of a "Class I licensee". As used in this chapter, the
37 words "Class II licensee" shall mean a person, firm, partnership or
38 corporation qualified to install, maintain, alter or service household
39 appliances Applicants for a "Class II license" shall have
40 three years experience in installing, servicing, altering, testing and
41 maintaining appliances, working under the supervision of a "Class

42 I or Class II licensee”, or shall be a graduate of a appliance repair
43 program at a licensed school accredited by the Accrediting Commission
44 of Career Schools and Colleges of Technology. A Class I
45 or Class II licensee shall not install, maintain, alter, service, manufacture
46 or test any wiring, which is regulated pursuant to
47 chapter 141 or section 3L of chapter 143.

48 Section 3. The administrator, in consultation with the board,
49 shall be responsible for the implementation of this chapter and the
50 promulgation of such rules and regulations as he shall deem necessary
51 to implement this chapter. Prior to the adoption, amendment
52 or repeal of a rule or regulation, the administrator shall give
53 notice and hold a public hearing in accordance with the requirements
54 of chapter 30A.

55 A person desiring to be licensed as a H.A.S. shall make a
56 written application under oath to the administrator on a form provided
57 by him. The application shall set forth the information
58 requested by the administrator.

59 It shall be the duty of the administrator to develop and conduct
60 a written examination for each category of license and to issue
61 and deliver a license to all applicants who have passed the examination
62 for licensure under this chapter unless the applicant complies
63 with the following paragraph:

64 At any time prior to June 1, 2008 the director shall, without
65 examination and upon payment of the appropriate fees, issue a
66 license to an applicant who has presented satisfactory evidence
67 that he has the qualifications for the type of license applied for,
68 and who has been engaged in the occupation or business of
69 installing, altering, servicing, maintaining home appliances covered
70 by such license for a period of five years in the case of an
71 applicant for a "Class I" and three years of appliance repair experience
72 or graduation from a appliance repair program at a licensed
73 school accredited by the Accrediting Commission of Career
74 Schools and Colleges of Technology in the case of an applicant
75 for a "Class II" license. A person who, being qualified to obtain a

76 license under this section, is prevented from making application
77 therefore by reason of service in the armed forces of the United
78 States shall have three months after discharge to make an application.
79 Each applicant for a license under this chapter shall pay a registration
80 fee in an amount to be determined by the commissioner of
81 administration. The fee shall be payable upon application for a
82 license and upon renewal. All fees collected pursuant to this
83 section shall be retained by the board for the implementation of
84 this chapter. A licensee shall submit to the administrator such
85 information as the administrator may require and shall be issued a
86 license.

87 Each license issued by the administrator shall bear a number,
88 shall be valid for three years from the date of its issuance, may be
89 renewed upon proof of continuing experience or education as
90 required by the director, shall not be transferable and shall be
91 exercised only by the licensee.

92 Section 4. No individual or contractor shall undertake, offer to

93 undertake, or agree to perform home appliance installation, alteration,
94 maintenance and testing of appliances for which a license is
95 required under this chapter unless licensed therefore with the
96 approval of the state board of building regulations and standards.

97 In those municipalities where a permit for appliance service is
98 required, the applicant shall show proof of license by the com-
99 monwealth, along with the applicant's license number, in order to
100 qualify for a local permit. The license under this chapter shall
101 supersede all local license requirements.

102 Each permit and advertisement for appliance service shall display
103 the licensee's license number.

104 A licensee shall affix the license number in a conspicuous place
105 on each work order for each appliance installed, altered, maintained
106 or serviced by him.

107 Section 5. An individual or contractor who knowingly, willfully
108 or negligently operates without having first obtained a license as
109 required by this chapter and who is not otherwise exempt from the

110 licensing requirement or an individual or contractor who continues
111 to operate after revocation of, or during suspension of his
112 license, or who fails to review his license, shall be punished by a
113 fine not exceeding \$100 per day. If the administrator concludes,
114 after consultation with the board, that the continuing conduct by
115 any person alleged to be in violation of this chapter may result in
116 substantial or irreparable harm to another, he may seek a temporary
117 or permanent injunction from the superior court of the county
118 in which the alleged violation is occurring or the county in which
119 the violator has its principal place of business.

120 The administrator shall not be required to file a bond or to show
121 a lack of an adequate remedy at law when seeking an injunction
122 under this section against a person, firm, partnership or corporation
123 not licensed under this chapter.

124 Section 6. This chapter shall not be construed to relieve or
125 lessen the responsibility of a person licensed under this chapter,
126 nor shall the commonwealth be deemed to have assumed any liability

127 by reason for the issuance of a license.