

**HOUSE . . . . . No. 02623**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Harold P. Naughton, Jr.*

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*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 telecommunications professionals.

\_\_\_\_\_  
PETITION OF:

NAME:

*Harold P. Naughton, Jr.*

DISTRICT/ADDRESS:

*12th Worcester*

# HOUSE . . . . . No. 02623

By Mr. Naughton of Clinton, a petition (accompanied by bill, House, No. 2623) of Naughton relative to telecommunications professionals Joint Committee on 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 Be it enacted by the Senate and House of Representatives in General Court assembled,  
2 and by the authority of the same, as follows:

3 SECTION 1. Section 32 of chapter 13 of the General Laws, as appearing in the 2008 Official  
4 Edition, is hereby amended by striking out the first sentence and inserting in place thereof the  
5 following sentence:- There shall be a board of electrical, systems and telecommunication  
6 examiners, hereinafter, called the board, which shall consist of the state fire marshal, the  
7 associate commissioner for the division of occupational education in the department of  
8 education, ex officiiis , and ten persons to be appointed for terms of three years by the governor.

9 SECTION 2. Said section 32 of said chapter 13, as so appearing, is hereby further amended by  
10 striking out the word “Six” in line 8, and inserting in place thereof the following word:- Eight

11 SECTION 3. Said section 32 of said chapter 13, as so appearing, is hereby further amended by  
12 striking out the word “and” in line 26, and inserting in place thereof the following:- two shall be  
13 telecommunications systems professionals who shall be licensed under the provisions of chapter  
14 one hundred and forty-one A and have been actively engaged in either the design, installation,  
15 alteration, service, or the testing of telecommunications systems, as defined by said chapter one  
16 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 striking  
18 out the first two sentences and inserting in place thereof the following two sentences:- There  
19 shall be a board of electricians, systems and telecommunications professionals, appeals, whose  
20 membership shall consist of the members of the state electrical, systems and telecommunications  
21 examiners. The chairman of the state electrical, systems and telecommunications examiners  
22 shall be the chairman of said board.

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

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

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

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

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

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

55 technician performing work for which a journeyman license, systems technician or  
56 telecommunications license is required.

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

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

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

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

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

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

70

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

76 and telecommunications examiners in accordance with this chapter and, with respect to security  
77 systems, unless such person, firm, corporation or entity shall also be licensed by the  
78 commissioner of public safety in accordance with the provisions of sections fifty-seven to sixty-  
79 one, inclusive, of chapter one hundred and forty-seven.

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

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

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

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

93

94 Section 3A. Any person working as an apprentice to a licensed journeyman electrician,  
95 licensed systems or telecommunications technician who meets the requirements established by  
96 the state board of electrical, system and telecommunications examiners shall be registered as an

97 apprentice with the state examiners in accordance with this chapter; provided, however, that  
98 students enrolled at vocational training schools within the commonwealth who are working  
99 under the direct supervision of such school's vocational education teachers shall be exempt from  
100 registration during this term of enrollment.

101 The state examiners shall issue the following identification cards: identification card JA for  
102 apprentice electricians, identification card SA for systems technicians, TA for  
103 telecommunications apprentice technician. The fee for such certificate shall be determined by  
104 the commissioner of administration pursuant to the provisions of Chapter 357 of the Acts of  
105 2002.

106 SECTION 14. Section 5 of said Chapter 141, as appearing in the 2008 Official Edition, is hereby  
107 amended by striking out the first paragraph and inserting in place thereof the following  
108 paragraph:-

109           Any person, firm, corporation or entity, or employee thereof, and any  
110 representative, member or officer of such firm or corporation individually, entering upon or  
111 engaging in the business and work hereinbefore defined, without having complied with this  
112 chapter, shall for the first offense be punished by a fine of not less than one hundred dollars nor  
113 more than one thousand dollars, and for a subsequent offense by a fine of not less than five  
114 hundred dollars nor more than two thousand and five hundred dollars or by imprisonment in the  
115 house of correction for six months, or both.

116

117 SECTION 15. Said Chapter 141 is hereby further amended by striking out Section 7, as so  
118 appearing, and inserting in place thereof the following section:-

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



142 installation, construction, maintenance, repair, and renovation of telephone equipment cable  
143 television service or computer systems by a person, who is a permanent employee of any firm or  
144 corporation which is engaged in telecommunications, the information systems industry or is a  
145 licensed video provider, or any legally established affiliate thereof.

146 SECTION 16. The General Laws are hereby amended by inserting after chapter 141, the  
147 following chapter:-

148

149 CHAPTER 141A

150 SUPERVISION OF TELECOMMUNICATIONS PROFESSIONALS

151 Section 1. The following words as used in this chapter shall, unless the context clearly requires  
152 otherwise, have the following meanings:

153

154 “Board”, shall mean the board of electrical, systems and telecommunications examiners.

155

156 “Systems or Telecommunications Apprentice or Trainees”; a worker sixteen years of age  
157 who is employed to learn a skilled trade by fulfilling the requirements defined in section eleven  
158 H of chapter twenty-three. Companies that are regulated by the department of  
159 telecommunications and energy and utilize a formal examination and rating process as defined  
160 within a collective bargaining agreement, are exempt from the training requirements of section  
161 eleven H of chapter twenty-three.

162

163 "Telecommunication systems", any system involved in the sending and/or receiving at a  
164 distance of voice, sound, data, and video transmissions. This definition shall also include the  
165 placing, installing and altering of any cables or telecommunications equipment on poles, in  
166 manholes, vaults, buildings, and in central switching offices.

167

168 "Telecommunications Contractors", a corporation, firm or person who, by the  
169 employment of licensed telecommunications apprentices and/or technicians, performs the work  
170 of telecommunications in accordance with the provisions of this chapter.

171

172 "Telecommunications Technician", a person who, by reason of his or her knowledge of  
173 the mathematical and physical sciences, and the principles, functions and fundamentals of the  
174 categories of telecommunications defined under provisions of this chapter acquired by  
175 professional education and /or practical experience, is qualified to engage in telecommunications  
176 work as attested by his or her licensing as a telecommunications technician in this state.

177 "Data Communications", the operation of apparatus for transmission of digitized  
178 information between distant points with or without connecting wires.

179 "Telephony", the use or operation of apparatus for transmission of sounds and especially  
180 speech between distant points with or without connecting wires.

181

182 "Video Communications", the use or operation of apparatus for transmission of image(s)  
183 between distant points reproduced through electrical or other means with or without connecting  
184 wires.

185

186 "Sound", the use or operation of apparatus for transmission of sounds and especially  
187 music and/or speech between distant points with or without connecting wires for broadcast or  
188 disbursement over a defined area.

189

190 "Telecommunication device", an analog or digital electronic device, which processes  
191 data, telephony, video or sound transmission as part of a telecommunications system.

192

193 "Telecommunications", any transmission, emission, or reception of voice, data or audio  
194 visual systems.

195

196 "Design", the act of creating a document, either manually or electronically, that defines  
197 the layout, placement and/or configuration of telecommunications infrastructure components or  
198 physical topology(s); trunking or distribution routing(s) and/or their material components;  
199 telecommunication outlet locations and/or their material components; telecommunication closet  
200 locations and/or their material components for the purpose of defining telecommunications work  
201 within this chapter. This definition does not include the recording of changes to a design that

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

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

207

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

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

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

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

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

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

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

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

243 Section 4. (a) The board shall issue certificates to individuals who have qualified to engage in  
244 telecommunications work under the provisions of this chapter. The board may establish such  
245 rules and regulation for the issuance and renewal of certificates, as it deems appropriate.

246 (b) The board shall have the power to suspend, revoke or annul certificates in accordance with  
247 the provisions of this chapter. In all disciplinary proceedings brought pursuant to this chapter,  
248 the board shall have the power to administer oaths, to summon witnesses, and to compel the  
249 production of documents in accordance with the procedures applicable in the superior court.  
250 Upon failure of any person to appear or produce documents in accordance with the boards' order,  
251 the board may apply to a court of any jurisdiction to enforce compliance.

252 (c) The board shall have the power to file legislation to establish such subcategories within the  
253 aforementioned licensing forms and categories as may be determined to be required to  
254 accommodate significant or substantive changes or improvements in current technologies or to  
255 accommodate new developments in technologies affecting telecommunications. Said  
256 subcategories shall be specifically limited in purpose and scope.

257

258 Section 5. (a) Except as provided herein, no individual, firm, corporation or entity shall provide  
259 or offer to install, alter, service or test telecommunications in this state or use any title, sign, card  
260 or device implying that the individual, firm, corporation or entity is qualified to provide said  
261 services unless said individual, firm, corporation or entity is the beneficial holder of a currently  
262 valid license issued pursuant to this chapter.

263 (b) Any individual, partnership, corporation or entity which violates subsection (a) of this  
264 chapter shall be guilty of a misdemeanor and upon conviction by a court of competent

265 jurisdiction shall be sentenced to pay a fine of not more than five hundred dollars for the first  
266 offense, and a fine of not less than five hundred dollars nor more than one thousand dollars for  
267 each subsequent offense or imprisonment for not more than one year or both.

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

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

273

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

284 (b) If the applicant is a corporation, the application shall specify the date and place of its  
285 incorporation, the location of the applicant's principal place of business, a list of the principal  
286 officers of the corporation, owners of twenty-five percent or more of outstanding stock of all

287 classes of the corporation, and the business address, residence address and the office or position  
288 held by each such officer in the corporation.

289 (c) The application shall include the following information for each individual required  
290 subscribing and swearing to it:

291 (1) The individual's full name and address (business and residence);

292 (2) The individual's business and residence telephone number;

293 (3) The individual's date and place of birth;

294 (4) A head and shoulders photograph (passport photo) taken within three months prior to  
295 the date of the submission of the application;

296 (5) The name and address of the individual's relevant past and present employment;  
297 name, address, and telephone number of supervisor and the length of time engaged  
298 therein; and

299 (6) Evidence of experience as required by subsection (g) of this section.

300 (d) Applicants for TC license shall include the following information concerning the applicant:

301 (1) The name, address and telephone number of the business;

302 (2) A sworn statement as to the length of time that the applicant has been engaged in the  
303 telecommunications business; and

304 (3) Evidence of experience as required by subsection (g) of this section.



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

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

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

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

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

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

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

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

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

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

330

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

405 (2) Performing or engaging in the installation, alteration, service, or testing of  
406 telecommunications in another state or country in violation of the laws of that state or  
407 country;

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

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

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

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

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

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

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

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

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