

HOUSE No. 978

By Mr. Kingston of Somerville, petition of Allan Roy Kingston for the establishment of a state board of registration of photographers and relative to regulating commercial photography. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Seven.

AN ACT ESTABLISHING A BOARD OF REGISTRATION OF PHOTOGRAPHERS AND REGULATING COMMERCIAL PHOTOGRAPHY.

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 13 of the General Laws is
2 hereby amended by inserting after section 47, in-
3 serted by section 1 of chapter 643 of the acts of 1941,
4 the following three sections under the following
5 caption:—

6 BOARD OF REGISTRATION OF PHOTOGRAPHERS.

7 *Section 48.* There shall be a board of registration
8 of photographers consisting of three members to
9 be appointed by the governor, with the advice and
10 consent of the council. Upon the expiration of the
11 term of office of a member, his successor shall be
12 appointed by the governor, with like advice and
13 consent, to serve for three years. Definitions con-

14 tained in section eighty-seven KK of chapter one
15 hundred and twelve shall, so far as appropriate,
16 apply to this and the two following sections.

17 *Section 49.* The board shall hold regular meetings
18 in Boston on the second Tuesday of January, May
19 and October in each year, and such additional
20 meetings at such times and places as it may deter-
21 mine. At the regular meeting in January it shall
22 annually organize for the choice of a chairman, who
23 shall be a member of the board. Members of the
24 board may administer oaths. The board may
25 appoint an executive secretary and may employ
26 such agents and employees as the work of the board
27 may require.

28 *Section 50.* Each member of the board shall
29 receive from the commonwealth while engaged in
30 the performance of his official duties compensation
31 at the rate of twenty dollars a day and his necessary
32 expenses, but in no event shall his compensation
33 exceed the sum of two thousand dollars in any one
34 year; provided, that the salaries and expenses of
35 the members of the board and the expenses of the
36 board shall not be in excess of the receipts for registra-
37 tion and from other sources received by the state
38 treasurer from the board.

1 SECTION 2. Chapter 112 of the General Laws is
2 hereby amended by inserting after section 87JJ, as
3 most recently amended by section 12 of chapter 565
4 of the acts of 1943, the following fifteen new sections,
5 under the following heading: —

6 REGISTRATION OF PHOTOGRAPHERS.

7 *Section 87KK.* The following words, as used in

8 sections eighty-seven LL to eighty-seven YY, inclu-
9 sive, shall have the following meanings: —

10 “Board”, The board of registration of photog-
11 raphers established by section sixty-one of chapter
12 six.

13 “Photographer”, Any person who shall practice
14 photography.

15 “Photography”, The art or process of the reproduc-
16 tion and recording of visible and invisible images
17 through the action of light upon chemically sensi-
18 tized substances or materials, including the processes
19 of projecting and registering such images by means
20 of lenses and cameras upon sensitized materials,
21 of developing and fixing latent images to render the
22 same visible and permanent, and the subsequent
23 reproducing or transferring of such images, either
24 negative or positive, upon sensitized materials, by
25 the aid of light and chemical action.

26 “Practice of photography”, The profession, occu-
27 pation, or avocation of taking or producing photo-
28 graphs or any part thereof for sale or hire.

29 “Studio” or “shop”, A place of business at which
30 the practice of photography is carried on.

31 *Section 87LL.* Nothing in sections eighty-seven
32 KK to eighty-seven YY, inclusive, shall be construed
33 to apply to: —

34 1. Any person in the employ of any newspaper
35 or periodical publication or any person who makes
36 negatives of photographs for sale to newspapers or
37 periodicals published within or without the common-
38 wealth.

39 2. Any person, not regularly engaged in an occupa-
40 tion in which his compensation depends, in whole
41 or in part, upon his making of negatives of photo-

42 graphs, who makes negatives or photographs for
43 his own pleasure and occasionally sells or offers for
44 sale a negative or photograph so made by him; pro-
45 vided, that this exemption shall not extend to any
46 person who solicits or accepts orders for such nega-
47 tives, or prints or photographs made therefrom,
48 before such negatives are made.

49 3. Any person in the employ of the United States,
50 of the commonwealth or any of its political sub-
51 divisions, or of any school, college, university or
52 state institution, who makes negatives or any print
53 or photograph solely for public use or for the use of
54 such school, college, university or state institution,
55 for educational or scientific purposes; provided,
56 that such negatives or photographs are not sold or
57 offered for sale in this commonwealth.

58 4. Any duly licensed physician who, or any
59 hospital or institution which, makes negatives or
60 photographs for clinical, surgical or medical purposes.

61 5. Any motion picture photographer engaged in
62 the making of motion pictures.

63 6. Any photographer whose products are sold
64 at retail at a unit price not exceeding ten cents.

65 *Section 87MM.* The board shall hold examina-
66 tions at least once every four months in such cities
67 throughout the commonwealth as it may deem most
68 convenient for applicants, and at such additional
69 times as it may from time to time determine.

70 *Section 87NN.* The board shall provide for the
71 examination of applicants who desire to practice
72 photography, shall collect fees for such examinations,
73 and shall issue certificates of registration in photog-
74 raphy to each applicant who shall qualify as to
75 competency, ability and integrity.

76 *Section 8700.* Prior to the admission of any
77 applicant to an examination for registration in
78 photography, the board may require proof as to his
79 technical qualifications, business record and moral
80 character, and, if he shall fail to satisfy the require-
81 ments of the board in any of these matters, it may
82 decline to admit said applicant to such examination.

83 *Section 87PP.* Every person desiring to commence
84 the practice of photography in this commonwealth
85 shall file an application for registration with the
86 board on a form prescribed by it. At the time of
87 making such application, the applicant shall deposit
88 with the board an examination fee of
89 dollars. Each applicant shall appear for examination
90 at the time and place designated by the board, and
91 shall then present to the board such references and
92 credentials as it may require, including satisfactory
93 evidence as to his competency and fitness to conduct
94 the practice of photography, the extent of his techni-
95 cal knowledge, and his business record and moral
96 character. No fee for examination shall in any case
97 be refunded, but in the event that any applicant
98 fails in his first such examination, he may take
99 three subsequent examinations, and the fee for each
100 such subsequent examination shall be ten dollars.

101 *Section 87QQ.* Every applicant successfully pass-
102 ing the examination shall be registered in the records
103 of the board as a registered photographer and shall,
104 upon his payment of an original registration fee
105 of five dollars, receive a certificate of such registra-
106 tion signed by the chairman and secretary of the
107 board authorizing the applicant to practice photog-
108 raphy. Upon his receipt of such certificate, he
109 may practice photography within the common-

110 wealth during the period of such original registration,
111 and thereafter upon payment annually of a renewal
112 fee of five dollars.

113 *Section 87RR.* The board may authorize one or
114 more registered photographers, or any person em-
115 ploying one or more registered photographers, upon
116 payment to the board or a studio or shop registration
117 fee of fifty dollars, to operate a registered studio or
118 shop, and such person or persons may thereafter
119 operate such studio or shop upon payment annually
120 of a renewal fee of fifty dollars.

121 *Section 87SS.* The board, under such reasonable
122 rules or regulations as it may make, may for cause
123 suspend or cancel any registration granted under
124 sections eighty-seven KK to eighty-seven YY,
125 inclusive; provided, that before any registration
126 shall be so suspended or cancelled the registrant
127 shall have had notice in writing of the charge or
128 charges against him or it, and, at a day specified
129 in said notice, which shall be at least five days after
130 the service of notice thereof, shall have been given
131 a public hearing and an opportunity to present
132 testimony in his or its behalf, and to confront the
133 witnesses against him or it. The mailing of a
134 registered letter, postage prepaid, containing a notice
135 of such hearing, and addressed to the registrant at
136 his or its address in this commonwealth as it appears
137 in his or its registration, shall be a sufficient service
138 of such notice, and said five days shall begin to run
139 from the day of such mailing.

140 *Section 87TT.* The board may, after a public
141 hearing, and after investigation, again register a
142 person, studio or shop whose registration has been
143 cancelled, or revoke the suspension of a registration

144 under section eighty-seven SS, if satisfied that this
145 can be done consistently with the public interest.

146 *Section 87UU.* Each registration granted under
147 sections eighty-seven KK to eighty-seven YY, in-
148 clusive, shall expire on December thirty-first next
149 succeeding its date, and shall not be renewed unless
150 application therefor is filed before its expiration.
151 Any photographer whose registration has not been
152 so renewed shall, upon payment of the prescribed
153 renewal fee, be reregistered, and any studio or shop
154 may be reregistered at any time during the year
155 following the expiration of its registration upon
156 payment of the renewal fee prescribed therefor.

157 *Section 87VV.* Any person aggrieved by the
158 refusal of the board to grant, or by its suspension
159 or cancellation of, a registration, or by its refusal
160 to again register him, may, within ten days after
161 such action, appeal to the district court within the
162 judicial district of which he resides by bringing a peti-
163 tion in said court addressed to the justice of the
164 court, praying for a rehearing by the court. Upon
165 the filing of the petition for a rehearing in the case
166 of a suspension or cancellation of a registration,
167 such suspension or cancellation shall be stayed
168 pending the final decision of the court. After such
169 notice to the board as the court deems necessary,
170 the court shall hear the witnesses and shall affirm
171 the decision of the board, unless it shall appear that
172 it was made without proper cause or in bad faith,
173 in which case the decision of the board shall be
174 reversed. The court shall hear the petition within
175 thirty days of the filing of it in said court. The
176 decision of the court shall be final and conclusive.

177 *Section 87WW.* Whoever, not being a registered

178 photographer or an employee of a registered photog-
179 rapher, sells, offers for sale or solicits orders for
180 any product of photography, or engages in or follows,
181 or attempts to engage in or follow, the practice of
182 photography, and whoever conducts or attempts to
183 conduct a studio or shop not registered under sec-
184 tion eighty-seven RR, and whoever violates any
185 provision of sections eighty-seven KK to eighty-
186 seven YY, inclusive, or any rule or regulation made
187 under authority thereof, shall be punished by a
188 fine of not more than one hundred dollars.

189 *Section 87XX.* The board may make such uni-
190 form and reasonable rules and regulations as may
191 be necessary for the proper conduct of its business,
192 the establishment of proper standards of professional
193 skill in the practice of photography and the proper
194 supervision of photographers.

195 *Section 87YY.* The board may revoke any
196 certificate of registration in photography issued to
197 any person found by it to be guilty of fraud or
198 unethical practices, or of wilful misrepresentation,
199 or of any crime involving moral turpitude.

1 SECTION 3. The governor, with the advice and
2 consent of the council, shall forthwith appoint three
3 persons to serve as members of the board of registra-
4 tion of photographers, created by section one, for
5 terms of one, two and three years, respectively, as
6 the governor may designate. Upon the expiration
7 of their respective terms, their successors shall be
8 appointed as provided in section one.