

HOUSE No. 1279

Bill accompanying the petition of A. H. Andrews for legislation relative to the licensing of electricians and the supervision of electric business. Mercantile Affairs. January 19.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eleven.

AN ACT

To provide for the Licensing of Persons conducting or managing a Business for Installing Electric Wires or Electric Apparatus.

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. The governor shall, within thirty days
2 after the passage of this act, appoint a board which shall
3 be known as the board of examiners and supervisors, con-
4 sisting of five persons, for the purpose of examining into
5 the qualifications and capabilities of all persons who are
6 engaged, or desire to engage, in the business of master
7 electrician as defined in section five of this act. The
8 board so appointed shall be competent, practical elec-
9 tricians of the state of Massachusetts, and shall be
10 selected as follows:— Two from nominations made by
11 the electrical contractors' association of the state of Mas-
12 sachusetts, one from nomination made by the municipal

13 electrical inspectors of the state of Massachusetts, one
14 from nomination made by the association of fire under-
15 writers of the state of Massachusetts and one person resid-
16 ing in the state of Massachusetts, who shall be a practical
17 journeyman electrician who has served at the business for
18 a period of not less than ten years, and a majority of said
19 board shall constitute a quorum to transact the business
20 thereof. The term of office of the members of the first
21 number so appointed shall be as follows: the nominee
22 from the underwriter association, one year; nominee
23 from the electrical contractors' association, two years;
24 the nominee from the municipal inspector, one nominee
25 from the electrical contractors' association and the per-
26 son at large, two years, unless removed for cause.
27 Should any vacancy occur from any cause during the
28 term of any board as therein provided, the governor shall
29 appoint some one from nominations made as above pro-
30 vided to fill such vacancy. The governor shall have full
31 power to remove any member of the board for incom-
32 petency or improper conduct upon satisfactory evidence
33 being presented to him of such condition.

1 SECTION 2. The members of said board shall respect-
2 fully take and subscribe the oath required of the state
3 officers. They shall have power to elect out of their
4 number a president, secretary and treasurer, to adopt
5 such rules and by-laws for the transaction of business
6 of the board as they may deem expedient.

1 SECTION 3. Each member of said board shall receive
2 a compensation of five dollars per day for actual service
3 in attending meetings of the board, which compensation
4 shall be paid out of any moneys in the hands of the
5 treasurer of said board: *provided*, that the secretary of

6 said board may receive such additional compensation as
7 the board may deem just and reasonable and for which
8 the by-laws of the said board may provide; *provided*,
9 *however*, that the compensation of said board shall in no
10 event be paid out of the funds in the state treasury or
11 become a charge against the state.

1 SECTION 4. Said board shall meet at least once each
2 month in the state of Massachusetts and shall hold special
3 meetings as frequently as the proper and efficient dis-
4 charge of its business shall require, and said board shall
5 adopt such rules and regulations for the examinations of
6 master electricians as herein defined and for the placing,
7 installing and operating electrical wires, appliances, ap-
8 paratus or construction in, upon and about buildings in
9 the state of Massachusetts, and when so adopted such
10 rules and regulations shall have the same force and effect
11 as if herein contained, and the rules of said board shall
12 also provide for the giving of timely notice of such meet-
13 ings to all those who shall have made application for a
14 license as herein provided, and said board shall give in
15 writing to the municipal electrical inspectors of the state
16 of Massachusetts a detailed statement of all licenses
17 issued, renewed or revoked at any meeting of said board.

1 SECTION 5. The term master electrician as used in
2 this act shall be defined as and including any and all
3 persons, firms and corporations engaged in business of,
4 or holding themselves out to the public as engaged in the
5 business of, installing, erecting or repairing or contract-
6 ing to install, erect or repair electric wires or conductors,
7 to be used for the transmission of electric current for
8 electric light, heat or power purposes, or mouldings,
9 ducts, raceways or conduits for the reception or protec-

tion of such wires or conductors, or to any electrical machinery, apparatus, devices or fixtures to be used for electric light, heat or power purposes. A license of master electrician issued and in accordance with the provisions of this act shall entitle any such person, firm or corporation so licensed to engage in the business of and to hold himself or itself out to the public as engaged in the business of installing, erecting and repairing and of contracting to install, erect and repair any electric light wires or conductors, etc.

SECTION 6. Before any person, firm or corporation shall hereafter engage in the business of a master electrician in the state of Massachusetts as defined in this act, and before any person, firm or corporation now engaged in said business or any class thereof shall continue in said business of master electrician, such person, firm or corporation shall apply to said board for a license as herein required, whereupon the applicant shall present himself before the said board at a time and place fixed by said board. If the board shall find upon due examination that the applicant presenting himself has a reasonable knowledge of electricity and the natural laws and functions of electric wires, appliances and devices for electric light, heat and power purposes to the business of master electrician, as defined in section five of this act, then the said board upon payment of the fee and upon executing the bond herein provided for shall issue to the said person, firm or corporation a license as master electrician to practice said business for a term of one year; and shall register such person, firm or corporation as duly licensed master electrician: *provided, however,* no person, firm or corporation who shall have been engaged in the electrical contracting business in the state of Massachusetts for a

24 period of three years prior to the passage of this act, shall
25 be required to take the examination as provided in this
26 section before the issuance of such license; and *provided*
27 that no license shall be granted to any person under the
28 age of twenty-one years, nor shall any license be granted
29 to any person who has not taken and subscribed on oath
30 that he, or, in case of a corporation, the one managing the
31 electrical work thereof, and, in case of a firm, the one man-
32 aging the electrical work, has had at least three years
33 actual experience as a journeyman electrician in such
34 class or classes of electrical business or work, or as a mas-
35 ter electrician within the meaning of section five of this
36 act, as in the opinion of the board shall have properly
37 fitted the applicant for a license as a master electrician.
38 Any person whose application for license shall have been
39 rejected by said board shall have the right to appeal to a
40 board of arbitration, which shall consist of one person
41 selected by the person making the appeal, one person
42 elected by the board herein created, and these two to select
43 a third person, and the decision of said board of arbitra-
44 tion or a majority of them shall be final, and binding upon
45 all the parties to said appeal; the members of said board
46 shall be paid the sum of five dollars each, which sum shall
47 be deposited with the board herein created by the person
48 taking said appeal, and if the said board of arbitration
49 shall affirm the decision of the board herein created, the
50 money so deposited shall be used to pay said board; if,
51 however, such decision be reversed, the said board of arbi-
52 tration shall be paid out of the funds in the hands of the
53 board herein created, and said deposit of fifteen dollars
54 shall be returned, *provided, further*, that each applicant
55 shall pay to the treasurer of said board of electrical exam-
56 iners the sum of twenty-five dollars for such license, and
57 *provided, further*, that every person, firm or corporation

58 before receiving a license shall make, execute and deliver
59 to said board a good and sufficient bond to be approved by
60 said board in the name of the state of Massachusetts, in
61 the penal sum of one thousand dollars, the bond to be con-
62 ditioned upon the faithful performance of any and all
63 work entered upon or contracted for by said master elec-
64 trician, and to save harmless the owner or real party in
65 interest in the property for which any such material is
66 furnished, or service performed against loss, damage and
67 injury which shall arise through want of skill or through
68 the failure to use suitable or proper material in the per-
69 formance of any work contracted for or undertaken by
70 said master electrician, or his or its agents or employees,
71 and an action may be maintained thereon in the name of
72 such owner or real party in interest only if commenced
73 within one year from and after the date of the installation
74 of the materials furnished or performance of such work
75 or service.

1 SECTION 7. Each and every license issued under the
2 provisions of this act shall be evidence in any court of the
3 state named herein for the business for which the license
4 is issued for a period not to exceed one year from the date
5 thereof, and all licenses and renewals of same shall expire
6 on the first day of May in each year.

1 SECTION 8. No person, firm or corporation granted a
2 license under the provisions of this act shall install or
3 repair electric wires, conductors or apparatus for electric
4 light, heat or power purposes after the expiration of said
5 licenses or after said license shall have been revoked as
6 herein provided, unless the said license or renewal of same
7 shall have been received as herein provided: *provided*, that
8 any person, firm or corporation so granted a license under

9 the provisions of this act (unless the said license shall have
10 been revoked as hereinafter provided) shall be granted a
11 renewal of said license without examination of the appli-
12 cant, provided application is made to the said board by
13 the holder of such license within the three months preced-
14 ing the expiration of such license upon payment of a fee
15 of ten dollars, and the said renewal of said license shall
16 be for a period of one year, and any such renewal of such
17 license shall have the same weight as evidence in any
18 court of this state as hereinbefore provided for said
19 original license; *provided, also*, that one year renewals
20 shall be granted in like manner upon expiration of any
21 renewal of license upon making like application and pay-
22 ing like fee, within three months preceding the expiration
23 of said renewal.

1 SECTION 9. Said board shall have full power to revoke
2 for proper cause any license or renewal of same after a
3 full hearing of all parties in interest.

1 SECTION 10. Each license and renewal of same shall
2 be in force and effect only so long as an approved bond
3 filed with the said board in accordance with the provisions
4 of this act shall remain in full force and effect, and every
5 such license or renewal of same shall become utterly void
6 and of no effect should any such bond for any reason what-
7 soever become inoperative or ineffective regardless of the
8 regular date of expiration of said certificate, license or
9 renewal.

1 SECTION 11. Any and all persons granted a license or
2 renewal of the same shall display the same in a conspicu-
3 ous place in the office or place of business of such licensee.

1 SECTION 12. Nothing in this act shall be construed to

2 prevent any person from doing or performing any of the
3 kinds of work enumerated in section five of this act, pro-
4 vided that such work is performed under the direction and
5 supervision of a duly licensed master electrician, but no
6 such work other than minor electric repairs for the main-
7 tenance of established plants shall be performed excepting
8 under such direction and supervision of a duly licensed
9 master electrician, and the said licensed electrician shall
10 be responsible for any and all work so done under his
11 direction and supervision.

1 SECTION 13. Any person, firm or corporation who shall
2 practice or engage or continue in the work of a master
3 electrician without having complied with all of the pro-
4 visions of this act, and any person not licensed as a master
5 electrician, who shall do or perform any such work except
6 under the direction of a master electrician, and any person
7 having been licensed as a master electrician and who shall
8 fail to renew his license as herein provided and shall do or
9 perform any such work, or who shall violate any of the
10 provisions of this act, shall be guilty of a misdemeanor
11 and upon conviction thereof shall be sentenced to pay a
12 fine of not less than twenty-five dollars nor more than five
13 hundred dollars or to an imprisonment not exceeding
14 ninety days, or both, in the discretion of the court, and
15 any such conviction shall ipso facto revoke and annul any
16 license that may have been issued to any such person.

1 SECTION 14. No license or renewal of same granted
2 or issued under the provisions of this act shall be assign-
3 able or transferable, and every such license and renewal of
4 same shall specify the name of the person, firm or corpora-
5 tion to whom it is issued, and in case of a firm, the mem-
6 ber of said firm, and in case of a corporation, the principal

7 officer, or designated representative of said corporation
8 through whom the application for said license was made.

1 SECTION 15. All fees collected under the provisions of
2 this act shall be for the use of said board to defray its
3 necessary expenses.

1 SECTION 16. It shall be the duty of the said board
2 before the first Monday of May of each year to make a
3 report in writing to the governor of the state containing a
4 detailed statement of the nature of the receipts and
5 manner of expenditure, and any balance of money remain-
6 ing at the end of the year, after payment of expenses, shall
7 be reserved by the treasurer of said board to meet the
8 expenses of the ensuing year.

1 SECTION 17. The provisions of this act shall not apply
2 to journeymen electricians or apprentices while such
3 journeymen or apprentices shall be practicing their trade
4 as journeymen electrician or apprentice, nor to any electric
5 light company, electric railway company, steam railway
6 company, telegraph company or telephone company doing
7 such work in its own buildings upon its own plants.

1 SECTION 18. All acts and parts of acts inconsistent
2 with this act are hereby repealed.

1 SECTION 19. This act shall take effect and be in force
2 from and after its passage.

