

# HOUSE . . . . . No. 5821

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## *The Commonwealth of Massachusetts*

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HOUSE OF REPRESENTATIVES, May 2, 1974.

The committee on Government Regulations, to whom were referred the petition (accompanied by bill, House, No. 304) of James L. Grimaldi for legislation to regulate the storage and handling of class A flammable liquids; the petition (accompanied by bill, House, No. 2376) of Richard E. McLaughlin and Robert Owens for legislation to require the licensing of persons engaged in the installation or repair of flammable liquid storage tanks; and the petition (accompanied by bill, House, No. 4084) of James L. Grimaldi and another relative to certification of certain persons installing or repairing tanks for the storage of certain flammable liquids, report recommending that the accompanying bill (House, No. 5821) ought to pass.

For the committee,

WILLIAM J. DIGNAN.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Four.

### AN ACT RELATIVE TO CERTIFICATION OF CERTAIN PERSONS INSTALLING OR REPAIRING TANKS FOR THE STORAGE OF CERTAIN FLAMMABLE LIQUIDS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 148 of the General Laws is hereby amended by  
2 inserting after section 13 the following sections: —

3 *Section 13A.* No person shall engage in the business of  
4 installing, altering or repairing any tank or container, either  
5 above ground or below ground, which is used or intended to be  
6 used for the storage of any Class A flammable liquid as such term  
7 is defined by the Board of Fire Prevention Regulations and no  
8 such person shall install, alter or repair any piping, pump,  
9 dispenser or any connection thereto, except for electrical wiring  
10 and connections, between the tank or container and the point of  
11 final dispensing exclusive of hoses and nozzles, unless such  
12 person, firm or corporation shall have received a license and a  
13 certificate therefor issued by the state Fire Marshall and in  
14 accordance with the provisions hereinafter set forth.

15 The words “master flammable liquid equipment installer” as  
16 used in this section shall mean a corporation, firm or person,  
17 having a regular place of business, who, by the employment of  
18 journeymen, performs the work of installing, altering or repairing  
19 any tank or container, either above ground or below ground,  
20 which is used or intended to be used for the storage of any Class  
21 A flammable liquid as such term is defined by the Board of Fire  
22 Prevention Regulations, and installing, altering or repairing any  
23 piping, pump, dispenser or any connection thereto.

24 *Section 13B.* EXAMINATIONS; UNIFORM REQUIRE-  
25 MENTS FOR TOWNS; CREDIT TO VET-  
26 ERANS; FREQUENCY; TYPES; SUPER-  
27 VISION; SANCTION OF EXAMINERS.

28 In the conduct of the examinations they shall make uniform  
29 requirements for all towns, which may be revised from time to

30 time, as circumstances require. They shall grant a credit of five  
31 per cent to the examination standing of each applicant who is a  
32 veteran, as defined in clause Forty-third of section seven of  
33 chapter four; provided, that such applicants make application  
34 within one year of their discharge or release as aforesaid, or  
35 within one year of the effective date of this section, whichever is  
36 the latest. Said examinations shall be sufficiently frequent to give  
37 ample opportunity for all applicants to be thoroughly and  
38 carefully examined, may be written or in practical work, and  
39 may be supervised by one or more of the examiners, but no  
40 license shall be granted without the sanction of the examiners.

41 *Section 13C.* FORMS OF, AND GENERAL PROVISIONS  
42 RELATING TO, EXAMINATIONS, LI-  
43 CENSES AND CERTIFICATES; RECORDS;  
44 MANUAL OF REGULATIONS AND LI-  
45 CENSES.

46 Two forms of licenses shall be issued. The first, hereinafter  
47 referred to as "Certificate A", shall be known as "master  
48 flammable liquid equipment installer license", and the second,  
49 hereinafter referred to as "Certificate B", shall be known as  
50 "journeyman flammable liquid equipment installer license".

51 (1) "Certificate A" shall be issued to any person, firm or  
52 corporation engaged in or about to engage in the business of  
53 installing, altering or repairing any tank or container, either  
54 above ground or below ground, which is used or intended to be  
55 used for the storage of any Class A flammable liquid as such term  
56 is defined by the Board of Fire Prevention Regulations, and  
57 installing, altering or repairing any piping, pump, dispenser or  
58 any connection thereto, and other appliances, qualified under  
59 this section. The certificate shall specify the name of the person,  
60 firm or corporation so applying, and the name of the person,  
61 who in the case of a firm shall be one of its members, and in the  
62 case of a corporation, one of its officers, passing said examina-  
63 tion, by which he or it shall be authorized to enter upon or  
64 engage in business as set forth therein. The holding of "Certifi-  
65 cate A" shall not entitle the holder individually to engage in or  
66 perform the actual work of installing, altering or repairing any  
67 tank or container, either above ground or below ground, which is  
68 used or intended to be used for the storage of any Class A

69 flammable liquid as such term is defined by the Board of Fire  
70 Prevention Regulations, and installing, altering or repairing any  
71 piping, pump, dispenser or any connection thereto, and appli-  
72 ances as previously described in this chapter, but shall entitle him  
73 to conduct business as a master flammable liquid equipment  
74 installer.

75 (2) "Certificate B" shall be granted to any person who has  
76 passed an examination before the state Fire Marshall. It shall  
77 specify the name of such person, who shall thereby be authorized  
78 to engage in the occupation of a journeyman flammable liquid  
79 equipment installer.

80 (3) Persons desiring an examination shall make written  
81 application therefor, accompanied by the proper fee, which shall  
82 be twenty-five dollars for "Certificate A" and five dollars for  
83 "Certificate B". For each re-examination for "Certificate A", he  
84 shall pay fifteen dollars and for "Certificate B", one dollar.

85 (4) Each "Certificate A" shall expire on July thirty-first in  
86 each year, but may be renewed by the same person, or the same  
87 firm or corporation, acting by one or more of its members or  
88 officers, without further examination, upon payment of a fee of  
89 fifteen dollars, application therefor being made during said  
90 month or, in the case of absence, sickness or other disability of  
91 the holder, at such time thereafter as the examiners may permit.

92 (5) Each "Certificate B" shall expire on July thirty-first in  
93 each year, but may be renewed upon payment of a fee of two  
94 dollars, and upon the same conditions set forth in the preceding  
95 paragraph.

96 (6) Holders of "Certificate A" shall keep their certificate of  
97 registration displayed in a conspicuous place in their principal  
98 offices or places of business. Holders of "Certificate B" shall be  
99 furnished by the examiners with evidence of having been so  
100 licensed, in card form or otherwise, which shall be carried on the  
101 person of the licensee and exhibited on request.

102 (7) Any certificate expiring while the holder thereof is in the  
103 military or naval service of the United States shall be renewed  
104 without further examination, upon payment of the prescribed  
105 fee, at any time within four months after such person's discharge  
106 from the service.

107 (8) Examination papers and applications for "Certificate A"  
108 and "Certificate B" shall be preserved for at least two years, after

109 which time they may, at the discretion of the examiners, be  
110 destroyed.

111 (9) Records of the meetings of the examiners shall be open  
112 for inspection at all times, and they shall have printed annually a  
113 manual of their regulations, including the names of all licensees.

114 *Section 13D.* ENGAGEMENT IN BUSINESS OR WORK  
115 WITHOUT COMPLIANCE WITH STATUTES.

116 Any person, firm or corporation, or employee thereof, and  
117 any representative, member or officer of such firm or corpora-  
118 tion individually, entering upon or engaging in the business and  
119 work hereinbefore defined, without having complied with this  
120 chapter, shall for the first offense be punished by a fine of not  
121 less than ten nor more than one hundred dollars, and for a  
122 subsequent offense by a fine of not less than fifty nor more than  
123 five hundred dollars or by imprisonment in the house of  
124 correction for six months, or both.

125 *Section 13E.* LIABILITY FOR WORK OF EMPLOYEE.

126 No person, firm or corporation holding a "Certificate A" shall  
127 be liable for work done by his or its employees, unless it appears  
128 that such work was done with his or its knowledge or consent or  
129 by his or its authorization.

130 *Section 13F.* LEARNERS OR APPRENTICES WITHOUT A  
131 CERTIFICATE.

132 This chapter shall not forbid the employment by holders of  
133 "Certificate A" or of "Certificate B" of learners or apprentices  
134 working with and under the direct personal supervision of  
135 licensed journeymen flammable liquid equipment installer; pro-  
136 vided, that no such journeyman flammable liquid equipment  
137 installer shall have more than three learners or apprentices  
138 working with him and under his supervision as aforesaid; but not  
139 more than three such learners or apprentices shall be so  
140 employed for each licensed journeyman flammable liquid equip-  
141 ment installer.

142 An apprentice's permit shall be issued for the performance of  
143 work in a trade licensed under the provisions of this act for the  
144 purpose of training, which work may be performed only under  
145 the supervision of a licensed master or journeyman, said permit  
146 shall be issued by the Fire Marshal.

147 *Section 13G.* MISSTATEMENTS.

148 Any person applying for a journeyman's license and making  
149 any misstatement as to his experience or other qualifications, or  
150 any person, firm or corporation subscribing to or vouching for  
151 any such misstatement, shall be subject to the penalties set forth  
152 in Section 13D.

153 *Section 13H.* RULES OF EXAMINERS; QUALIFICA-  
154 TIONS OF APPLICANTS; APPLICATIONS;  
155 EXAMINATIONS; ISSUANCE OF LICENSE.

156 The examiners may make such rules as they deem proper for  
157 the performance of their duties and rules governing the qualifica-  
158 tions of applicants for examination, which shall take effect when  
159 approved by the general court and by the department of Public  
160 Safety Division of Fire Prevention. They shall examine each  
161 applicant desiring to engage in the business of a master  
162 flammable liquid equipment installer or to work as a journey-  
163 man, as to his practical knowledge of flammable liquid equip-  
164 ment installing, and subject him to a practical test satisfactory to  
165 the examiners, who if satisfied of his competence shall issue to  
166 him a license as applied for. They shall hold frequent examina-  
167 tions in Boston. Public notice shall be given of all examinations.  
168 Every application for examination shall be in the handwriting of  
169 the applicant who shall be notified by the examiners of the time  
170 and place of examination.

171 To be eligible to take the examination required by this section  
172 the applicant must have completed the following requirements:

173 (a) To apply for a journeyman's license "Certificate B" a  
174 person must have completed an apprenticeship program of not  
175 less than two years in the trade, for which he seeks a license and  
176 has demonstrated his competency to perform all services in-  
177 cluded in the trade for which a license is sought.

178 (b) To apply for a master's license "Certificate A" a person  
179 must have held a journeyman's license for not less than three  
180 years in the trade, for which he seeks a license and has  
181 demonstrated his competency to perform all services included in  
182 trade for which a license is sought.

183 Any person who, upon the effective date of this law, is  
184 actively employed in the business of installing, altering or  
185 repairing, any tank or container used for the storage of Class A

186 flammables, as such term is defined by the Board, or is engaged  
187 in the business of installing, altering or repairing any piping,  
188 pump, dispenser, or any connections, has been so engaged for a  
189 period of not less than five years and shall, within three months  
190 of said effective date make application to the Marshal for a  
191 journeyman's license certificate as a flammable liquids equipment  
192 installer and shall be subject to such examination as the Marshal  
193 may require. Renewal of any such certificate so issued shall be in  
194 accordance with the pertinent provisions of this section.

195 Any person who, upon the effective date of this law, is  
196 actively engaged in the business of installing, altering, or repairing  
197 any tank or container used for the storage of Class A flammables,  
198 as such term is defined by the Board, or is engaged in the  
199 business of installing, altering or repairing any piping, pump,  
200 dispenser or any connections, has been so engaged for a period of  
201 not less than five years shall, within three months of said  
202 effective date make application to the Marshal for a master's  
203 license certificate as a flammable liquids equipment installer and  
204 shall be subject to such examination as the Marshal may require.  
205 Renewal of any such certificate so issued shall be in accordance  
206 with the pertinent provisions of this section.

[The following text is extremely faint and illegible. It appears to be a multi-paragraph document, possibly a report or memorandum, with several lines of text per paragraph. The content is not discernible.]