

By Mr. DeFilippi of West Springfield, petition of Walter A. DeFilippi and William D. Mullins relative to the licensing of petroleum equipment technicians. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Five.

AN ACT PROVIDING FOR PETROLEUM EQUIPMENT TECHNICIANS.

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 148 of the General Laws is hereby
2 amended by striking out section 10C, inserted by section 2 of
3 chapter 680 of the acts of 1964, and inserting in place thereof the
4 following section: —

5 *Section 10C.* As used in this section and in sections ten D, ten E,
6 ten F, ten G or ten H the following words shall have the following
7 meanings unless the context clearly indicates otherwise: —

8 “Petroleum dispensing equipment”, pumps, dispensers, auto-
9 matic control systems, and equipment related to the dispensing of
10 petroleum products;

11 “Petroleum equipment technician”, a person certified by the
12 department as a petroleum equipment technician.

13 No person shall alter, repair or install any petroleum equipment
14 or any of the appurtenances thereto, except for electrical wiring
15 and connections, as defined by rules and regulations promulgated
16 under the provisions of section ten governing the construction,
17 installation and operation of petroleum dispensing equipment and
18 the keeping, storage and use of fuel oil or other inflammable
19 products used in connection therewith, unless he holds a certificate
20 granted by an examiner for the certification of petroleum equip-
21 ment technicians. Notwithstanding the provisions of the preceding
22 sentence, the cleaning of a pump strainer or filter or the replace-
23 ment of a hose, in any station by the owner or manager thereof or
24 by any regular employee of such owner or manager in a station

25 owned or managed by his employer, may be done without the
26 holding by such owner, manager or employee of a certificate as a
27 petroleum equipment technician.

1 SECTION 2. Said chapter 148 is hereby further amended by
2 striking out section 10D, as most recently amended by section 296
3 of chapter 572 of the acts of 1980, and inserting in place thereof the
4 following section: —

5 *Section 10D.* Any person who has attained eighteen years of
6 age and has had a minimum of one year experience as an appren-
7 tice, may make application to the department for a certificate as a
8 petroleum equipment technician. Application for such certifica-
9 tion shall not be made more often than once in thirty days. A fee of
10 twenty dollars shall accompany each application, ten dollars of
11 which shall be for the examination and ten dollars shall be for the
12 certificate if issued. The application shall be in such form and
13 contain such information as the commissioner may require. Within
14 one month after the date of receipt of his application the applicant
15 shall be examined as to his experience and ability to alter, repair
16 and install petroleum equipment and, if found by an examiner to
17 be qualified, he shall forthwith be issued a certificate. Said certifi-
18 cate shall be valid throughout the commonwealth until the date of
19 birth of the licensee occurring more than twelve months but not
20 more than twenty-four months after the effective date of such
21 license and may be renewed within two years after its expiration
22 without examination upon the payment of a renewal fee of ten
23 dollars. If any such license or the renewal thereof expires in an even
24 year, any subsequent renewal shall expire on the next anniversary
25 of the licensee's date of birth occurring in an even year. If any such
26 license or renewal thereof expires in an odd year, any subsequent
27 renewal shall expire on the next anniversary of the licensee's date of
28 birth occurring in an odd year. A license issued to a person born
29 February twenty-ninth shall, for the purposes of this section, ex-
30 pire on March first. If the applicant fails to qualify, five dollars of
31 the fee paid with his application shall be refunded to him.

32 A person holding a certificate as petroleum equipment techni-
33 cian may connect or disconnect for the purpose of repair or re-
34 placement, any device or control required by rules and regulations
35 of the board to be a part of petroleum equipment installation, or

36 being an integral part of the petroleum equipment, at the connec-
37 tion on such device, control or part to be repaired or replaced,
38 notwithstanding any contrary provision of chapter one hundred
39 and forty-one. Any person licensed as an electrician under said
40 chapter one hundred and forty-one may do any electrical work in
41 connection with the alteration, repair or installation of petroleum
42 equipment without being certified as a petroleum equipment tech-
43 nician.

1 SECTION 3. Said chapter 148 of the General Laws is hereby
2 further amended by striking out section 10E, as most recently
3 amended by section 298 of chapter 572 of the acts of 1980, and
4 inserting in place thereof the following section: —

5 *Section 10E.* An examiner shall upon payment of three dollars
6 issue without examination an apprentice certificate to any person
7 who applies therefor, which certificate shall permit him to assist
8 and work under the supervision of a person holding a certificate as
9 a petroleum equipment technician in the alteration, repair or in-
10 stallation of petroleum equipment. An apprentice certificate shall
11 be valid until the date of birth of the licensee occurring more than
12 twelve months but not more than twenty-four months after the
13 effective date of such license, and shall be renewed without exami-
14 nation upon the payment of three dollars. If any such license or the
15 renewal thereof expires in an even year, any subsequent renewal
16 shall expire on the next anniversary of the licensee's date of birth
17 occurring in an even year. If any such license or renewal thereof
18 expires in an odd year, any subsequent renewal shall expire on the
19 next anniversary of the licensee's date of birth occurring in an odd
20 year. A license issued to a person born on February twenty-ninth
21 shall, for the purposes of this section, expire on March first.

1 SECTION 4. Said chapter 148 of the General Laws is hereby
2 further amended by striking out section 10F, inserted by section 2
3 of chapter 680 of the acts of 1964, and inserting in place thereof the
4 following section: —

5 *Section 10F.* The board may make such reasonable rules and
6 regulations as it deems suitable for the issuance of various types
7 and classes of certificates to cover the various types of petroleum

8 equipment installations. A certificate may cover one or more or all
9 types of installations, or may be limited to a specific type of
10 installation.

1 SECTION 5. Said chapter 148 of the General Laws is hereby
2 further amended by striking out section 10G, as so inserted, and
3 inserting in place thereof the following section: —

4 *Section 10G.* Any certificate may, after due notice and hearing,
5 be suspended or revoked by an examiner for a violation by the
6 certificate holder of any rule or regulation promulgated by the
7 board relative to construction, installation and operation of petro-
8 leum equipment. Any applicant for a petroleum equipment techni-
9 cian certificate or holder of such certificate aggrieved by the action
10 of an examiner in refusing to issue or in revoking or suspending
11 such certificate may, within ten days, appeal therefrom to the chief
12 of inspections of the department, who shall designate three inspec-
13 tors to sit as a board and to conduct a hearing on such appeal
14 within thirty days. The decision of said board shall be final.

1 SECTION 6. Said chapter 148 of the General Laws is hereby
2 further amended by striking out section H, as so inserted, and
3 inserting in place thereof the following section: —

4 *Section 10H.* No firm or corporation engaged in the business of
5 altering, repairing or installing petroleum equipment shall be re-
6 quired to hold a certificate as a petroleum equipment technician;
7 provided that such work is performed for them by persons certified
8 as petroleum equipment technicians.