

By Mr. Valianti of Marlborough, petition of Daniel J. Valianti relative to the licensing of contractors engaged in the installation of electric signs. Government Regulations.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE LICENSURE OF SIGN INSTALLERS.

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

1 Clause one of section ninety-three of chapter one hundred
2 forty-three of the General Laws, as appearing in the nineteen hun-
3 dred and ninety Official Edition, is hereby amended by inserting
4 after the words, "inspector of buildings in a city", the following
5 new words: — "and one of whom shall be a sign installer."

6 Section ninety-four of chapter one hundred forty-three of the
7 General Laws, as appearing in the nineteen hundred and ninety
8 Official Edition, is hereby amended by inserting after subsec-
9 tion (j) the following new section: —

10 (k) To issue licenses in accordance with chapter one hundred
11 forty-three A.

12 Section 4. The General Laws are hereby amended by inserting
13 after chapter one hundred and forty-three the following new
14 chapter: —

15 Section 1. As used in this Chapter, the following terms shall
16 have the following meanings: —

17 "Board", the board of building regulations and standards estab-
18 lished by section ninety-three of chapter one hundred forty-three.

19 "Director", the executive director of the board of building regu-
20 lations and standards, an agency within the executive office of
21 public safety, established by section nine of chapter six A.

22 "Licensee", any person, firm or corporation duly licensed under
23 the provisions of this chapter.

24 “Sign”, Any message painted, printed or manufactured as a sign
25 which requires a permit to install, maintain, manufacture, alter or
26 test under the state building code or any local building code or
27 zoning laws.

28 “Sign Installer” a person, firm, partnership or corporation
29 engaged in installing, altering, maintaining, servicing or testing
30 signs.

31 Section 2. No person, firm, partnership or corporation shall
32 enter into, engage in or work at the business of installing signs for
33 which a permit is required unless such person, firm, partnership,
34 or corporation shall have received a license issued by the director
35 in accordance with the provisions hereinafter set forth.

36 The words “Class I licensee” as used in this chapter shall mean
37 a person, firm, partnership or corporation who performs the work
38 of installing, manufacturing, altering, servicing, testing or main-
39 taining any electrical signs and all signs, for which a permit is
40 required, which exceed the size limitations of signs allowed to be
41 installed, manufactured, altered, serviced, tested or maintained by
42 “Class II licensees”. Applicants for a “Class I License” shall
43 have(5) years experience in installing, servicing, maintaining and
44 testing signs working under the supervision of a “Class I
45 licensee.” The words “Class II licensee” as used in this chapter
46 shall mean a person, firm, partnership or corporation qualified to
47 install, maintain, alter or service wall signs of up to sixty square
48 feet and projecting signs of up to twelve square feet in area and no
49 higher than 20 feet from ground level and free standing, ground
50 signs up to twelve feet in height measured from the grade to the
51 top of the sign and up to forty square feet per side and requiring a
52 permit. Applicants for a “Class II License” shall have 3 years
53 experience in installing, servicing, altering, testing and main-
54 taining signs working under the supervision of a “Class I or Class
55 II licensee” or must be a graduate of a sign painting program at a
56 two-year licensed school accredited by the National Association
57 of Trade and Technical Schools.

58 Section 3(a). The director, in consultation with the board shall
59 be responsible for the implementation of the provisions of this
60 chapter and the promulgation of such rules and regulations as he
61 shall deem necessary to implement the provisions and purposes of
62 this chapter. Prior to the adoption, amendment or repeal of any

63 regulation, the director shall give notice and hold a public hearing
64 in accordance with the requirements of chapter thirty A.

65 (b) Any person desiring to be licensed as a sign installer shall
66 make a written application under oath to the director on a form
67 provided by him. Said application shall set forth the information
68 requested by the director.

69 (c) It shall be the duty of the director to develop and conduct a
70 written examination, for each category of licensure and to issue
71 and deliver a license to all applicants who have passed the exami-
72 nation for licensure under this chapter unless the applicant com-
73 plies with subsection (d) of this section.

74 (d) At any time prior to January 1, 1994 the director shall,
75 without examination, upon payment of the fees herein provided,
76 issue a license to any applicant therefor who shall present satisfac-
77 tory evidence that he has the qualifications for the type of license
78 applied for, and who has been engaged in the occupation or busi-
79 ness of installing, altering, servicing, maintaining and testing
80 signs covered by such license for a period of (5) years in the case
81 of an applicant for "Class I licensure" and three (3) years of sign
82 installation experience or graduation from a sign painting program
83 at a two-year licensed school accredited by the National
84 Association of Trade and Technical Schools in the case of an
85 applicant for "Class II licensure." Any person who, being quali-
86 fied to obtain a license under this section, is prevented from
87 making application therefor by reason of service in the armed
88 forces of the United States during the period between July 1, 1991
89 and January 1, 1994 shall have three (3) months after discharge to
90 make an application.

91 (e) Every applicant for licensure under this chapter shall pay a
92 registration fee in the amount to be determined by the commis-
93 sioner of administration and finance. Said fee shall be payable
94 upon application for licensure and renewal. All fees collected pur-
95 suant to this section shall be retained by the board for the imple-
96 mentation of this chapter. Such licensee shall be required to
97 submit to the director such information as the director may require
98 under this chapter, and shall be issued a license under this chapter.

99 (f) Each license issued by the director shall bear a number, shall
100 be valid for three years from the date of its issuance, may be
101 renewed upon proof of continuing education as required by the

102 director, approval of the application to the director on a form pro-
103 vided by him, shall not be transferable, and shall be exercised
104 only by the licensee.

105 Section 4. (a) No individual or contractor shall undertake, offer
106 to undertake, or agree to perform sign installation, alteration,
107 maintenance, and testing of signs for which a license is required
108 under this chapter, unless licensed therefor with the approval of
109 the bureau of building regulations and standards.

110 (b) In those municipalities where a permit for sign installation
111 is required, the applicant must show proof of licensure by the
112 Commonwealth, along with the applicant's license number, in
113 order to qualify for the local permit. This license shall supersede
114 all local license requirements.

115 (c) Every building permit and advertisement for sign installa-
116 tion services shall display the licensee's license number.

117 (d) A licensee shall affix the license number in a conspicuous
118 place on each sign installed, altered, maintained or serviced by
119 him.

120 Section 5. Any individual or contractor who shall knowingly,
121 willfully, or negligently operate without obtaining a license as
122 required by this chapter and who is not otherwise exempted from
123 the licensing requirement or any contractor or individual who con-
124 tinues to operate after revocation of or during suspension of his
125 license, or who fails to renew his license, shall be punished by a
126 fine not exceeding one thousand dollars a day.

127 (a) If the director concludes, after consultation with the board,
128 that the continuing conduct by any person alleged to be in viola-
129 tion of this chapter may result in substantial or irreparable harm to
130 any citizen of the commonwealth, he may seek a permanent or
131 temporary injunction with respect to the conduct from the superior
132 court of any county in which the alleged violation is occurring, or
133 in which the violator has its principal place of business.

134 (b) The director is not required to file a bond or to show a lack
135 of an adequate remedy at law when seeking an injunction under
136 this section against any person, association, partnership, or corpo-
137 ration not licensed under this chapter.

138 Section 6. This chapter shall not be construed to relieve or
139 lessen the responsibility of any person licensed under this chapter,
140 nor shall the Commonwealth be deemed to have assumed any
141 such liability by reason of the issuance of or licensure.