

By Mr. Miceli of Wilmington, petition of James R. Miceli relative to the licensure of sign installers. Government Regulations.

The Commonwealth of Massachusetts

In the Year Two Thousand and One.

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 SECTION 1. Section ninety-four of chapter one hundred forty-  
2 three of the General Laws, as appearing in the nineteen hundred  
3 and ninety Official Edition, is hereby amended by inserting after  
4 subsection (j) the following new section: —

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

1 SECTION 2. The General Laws are hereby amended by  
2 inserting after chapter one hundred and forty-three the following  
3 new chapter: —

4 **CHAPTER 143A.**

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

7 “Board”, the board of building regulations and standards estab-  
8 lished by section ninety-three of chapter one hundred forty-three.

9 “Director”, the executive director of the board of building regu-  
10 lations and standards, an agency within the executive office of  
11 public safety, established by section nine of chapter six A.

12 “Licensee”, any person, firm or corporation duly licensed under  
13 the provisions of this chapter.

14 “Sign”, any message painted, printed or manufactured as a sign  
15 which requires a permit to install, maintain, manufacture, alter or  
16 test under the state building code or any local building code or  
17 zoning laws.

18 "Sign Installer", a person, firm, partnership or corporation  
19 engaged in installing, altering, maintaining, servicing or testing  
20 signs.

21 Section 2. No person, firm, partnership or corporation shall  
22 enter in or work at the business of installing signs for which a per-  
23 mit is required unless such person, firm, partnership or corpora-  
24 tion who performs the work of installing, manufacturing, altering,  
25 servicing, testing or maintaining any electrical signs, and all signs  
26 for which a permit is required, which exceeds the size limitations  
27 of signs allowed to be installed, manufactured, altered, serviced,  
28 tested or maintained by "Class II licensees". Applicants for a  
29 "Class I License" shall have (5) years experience in installing, ser-  
30 vicing, maintaining and testing signs working under the supervi-  
31 sion of a "Class I licensee." The words "Class II Licensee" as  
32 used in this chapter shall mean a person, firm, partnership or cor-  
33 poration qualified to install, maintain, alter or service wall signs  
34 of up to sixty square feet and projecting signs of up to twelve  
35 square feet in area, and no higher than 20 feet from ground level,  
36 and free standing ground signs up to twelve feet in height, mea-  
37 sured from the grade to the top of the sign, and up to forty square  
38 feet per side and requiring a permit. Applicants for a "Class II  
39 License" shall have three years experience in installing, servicing,  
40 altering, testing and maintaining signs, working under the supervi-  
41 sion of a "Class I or Class II licensee", or must be a graduate of a  
42 sign painting program at a two-year licensed school accredited by  
43 the National Association of Trade and Technical Schools.

44 Section 3.

45 (A) The director, in consultation with the board shall be respon-  
46 sible for the implementation of the provisions of this chapter and  
47 promulgation of such rules and regulations as he shall deem nec-  
48 essary to implement the provisions and purposes of this chapter.  
49 Prior to the adoption, amendment or repeal of any regulation, the  
50 director shall give notice and hold a public hearing in accordance  
51 with the requirements of chapter thirty A.

52 (B) Any person desiring to be licensed as a sign installer shall  
53 make a written application under oath to the director on a form  
54 provided by him. Said application shall set forth the information  
55 requested by the director.

56 (C) It shall be the duty of the director to develop and conduct a  
57 written examination for each category of licensure and to issue

58 and deliver a license to all applicants who have passed the exami-  
59 nation for licensure under this chapter unless the applicant com-  
60 plies with subsection (D) of this section.

61 (D) At any time prior to January 1, 1997 the director shall,  
62 without examination, upon payment of the fees herein provided,  
63 issue a license to any applicant therefor who shall present satisfac-  
64 tory evidence that he has the qualifications for the type of license  
65 applied for, and who has been engaged in the occupation or busi-  
66 ness of installing, altering, servicing, maintaining and testing  
67 signs covered by such license for a period of (5) years in the case  
68 of an applicant for "Class I" licensure and three (3) years of sign  
69 installation experience or graduation from a sign painting program  
70 at a two-year licensed school accredited by the National  
71 Association of Trade and Technical Schools in the case of an appli-  
72 cant for "Class II" licensure. Any person who, being qualified to  
73 obtain a license under this section, is prevented from making  
74 application therefor by reason of service in the armed forces of the  
75 United States during the period between January 1, 1995 and  
76 January 1, 1997 shall have three (3) months after discharge to  
77 make an application.

78 (E) Every applicant for licensure under this chapter shall pay a  
79 registration fee in the amount to be determined by the commis-  
80 sioner of administration and finance. Said fee shall be payable  
81 upon application for licensure and renewal. All fees collected  
82 pursuant to this section shall be retained by the board for the  
83 implementation of this chapter. Such licensee shall be required to  
84 submit to the director such information as the director may require  
85 under this chapter, and shall be issued a license under this chapter.

86 (F) Each license issued by the director shall bear a number,  
87 shall be valid for three years from the date of its issuance, may be  
88 renewed upon proof of continuing experience or education as  
89 required by the director, shall not be transferable and shall be  
90 exercised only by the licensee.

91 Section 4.

92 (A) No individual or contractor shall undertake, offer to under-  
93 take, or agree to perform sign installation, alteration, maintenance,  
94 and testing of signs for which a license is required under this  
95 chapter, unless licensed therefor with the approval of the bureau  
96 of building regulations and standards.

97 (B) In those municipalities where a permit for sign installation  
98 is required, the applicant must show proof of licensure by the  
99 Commonwealth, along with the applicant's license number, in  
100 order to qualify for the local permit. This license shall supersede  
101 all local license requirements.

102 (C) Every building permit and advertisement for sign installa-  
103 tion shall display the licensee's license number.

104 (D) A licensee shall affix the license number in a conspicuous  
105 place on each sign installed, altered, maintained or serviced by him.

106 Section 5.

107 (A) Any individual or contractor who shall knowingly, willfully,  
108 or negligently operate without obtaining a license as required by  
109 this chapter and is not otherwise exempted from the licensing  
110 requirement or any contractor or individual who continues to  
111 operate after revocation of, or during suspension of his license, or  
112 who fails to renew his license, shall be punished by a fine not  
113 exceeding one thousand dollars a day.

114 (B) If the director concludes, after consultation with the board,  
115 that the continuing conduct by any person alleged to be in viola-  
116 tion of this chapter may result in substantial or irreparable harm to  
117 any citizen of the Commonwealth, he may seek a permanent or  
118 temporary injunction with respect to the conduct from the superior  
119 court of any county in which the alleged violation is occurring, or  
120 in which the violator has its principal place of business.

121 (C) The director is not required to file a bond or to show a lack  
122 of an adequate remedy at law when seeking an injunction under  
123 this section against any person, association, partnership, or corpo-  
124 ration not licensed under this chapter.

125 Section 6.

126 This chapter shall not be construed to relieve or lessen the  
127 responsibility of any person licensed under this chapter, nor shall  
128 the Commonwealth be deemed to have assumed any such liability  
129 by reason of the issuance or licensure.