

HOUSE No. 828

By Mr. Blanchard of Abington, petition of Vinson Blanchard and other members of the General Court for the establishment of a board of state examiners of refrigeration and air conditioning and relative to the powers and duties of said board. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-One.

AN ACT PROVIDING FOR THE REGULATION OF THE REFRIGERATION AND AIR CONDITIONING TRADES AND FOR THE LICENSING OF THE MEMBERS THEREIN.

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 13 of the General Laws is hereby
2 amended by adding after section 60, under the caption BOARD
3 OF REGISTRATION OF REFRIGERATION AND AIR CONDITIONING
4 PERSONNEL, the following sections:—

5 *Section 61.* There shall be a board of state examiners of
6 refrigeration and air conditioning personnel, in sections sixty-
7 two and sixty-three called the board, consisting of five mem-
8 bers, citizens of the commonwealth, all of whom shall be
9 licensees under this chapter except that the members first ap-
10 pointed need not be licensees. The members shall have had at
11 least ten years' practical experience in the air conditioning or
12 refrigeration industry, at the time of their appointments. The
13 board shall be selected by the governor in the best interests of
14 the public at large at his discretion. The board shall meet and
15 organize by electing from its own membership a chairman. The
16 board shall meet at such times as fixed by its by-laws or when
17 called by the chairman or secretary. Before entering upon the
18 discharge of his duties, the secretary shall give to the state
19 treasurer a bond, with such sureties as shall be approved by the
20 governor and council, conditioned upon the faithful perform-
21 ance of his duties. Such bonds shall be filed in the office of the

22 secretary of the state. The board may appoint an assistant
23 secretary, and one or more investigators who shall be citizens
24 of the commonwealth.

25 *Section 62.* The board shall hold meetings at such times and
26 places as they determine, but at least four meetings a year shall
27 be held.

28 *Section 63.* There shall be paid by the commonwealth to
29 each member thereof a salary of five hundred dollars and to
30 each member thereof his necessary traveling expenses actually
31 incurred in attending meetings of the board. The four board
32 members appointed from the lists submitted by the afore-
33 mentioned societies shall serve for a two-year term, except that
34 of the four members initially appointed two shall be appointed
35 for a term of one year. The remaining member appointed
36 from the public at large shall serve for a term of one year. The
37 division of registration shall furnish the board with such clerical
38 assistance as may be necessary. The total salaries and expenses
39 of the members of the board shall not exceed the receipts from
40 registration.

1 SECTION 2. The General Laws are hereby amended by in-
2 serting after chapter 146 the following chapter: —

3 CHAPTER 146A.

4 REGULATION OF THE REFRIGERATION AND AIR CONDITIONING
5 TRADES.

6 *Section 1.* The following words when used in this chapter
7 unless the context otherwise requires, shall have the following
8 meanings: —

9 “Board”, the state board of examiners for refrigeration and
10 air conditioning personnel.

11 “Department”, the department of public safety.

12 “Refrigeration personnel”, any person who is qualified and
13 duly licensed to engage in assembling, erecting, constructing,
14 installing, altering, servicing or repairing refrigeration or air
15 conditioning equipment.

16 “Refrigeration or air-conditioning equipment”, shall mean
17 all component parts of, or attached to the refrigeration system
18 unit pressure vessels, lines, tubing and piping which carry the

19 refrigerant or refrigerated heat transfer medium and all coils,
20 condensers, receivers, storage tanks, fixtures, evaporators and
21 other heat transfer devices necessary to the over-all operation
22 of the system.

23 Refrigeration equipment as used in this chapter shall not
24 include household refrigerators and self-contained commercial
25 units which operate on the absorption principle or on one hun-
26 dred and fifteen volts and are normal plug-in devices that
27 qualify for connection to an electrical circuit having a maxi-
28 mum fused capacity of twenty amperes.

29 *Section 2.* The board shall have the power to establish rules
30 and regulations necessary or incidental to the performance of
31 its duties and the execution of its powers under this chapter.

32 The board shall have the power to employ inspectors, con-
33 sulting engineers, attorneys, experts and such other employees
34 and agents as may be necessary for it to perform its duties.
35 The board shall fix their compensation, and promote and dis-
36 charge such employees and agents.

37 *Section 3.* No license shall be issued unless the applicant
38 has submitted satisfactory proof to the board that he is over
39 the age of twenty-one years, of good moral character and, at
40 the time of applying for examination, shall have successfully
41 completed five hundred hours of instruction in an approved
42 program of training with a minimum of two hundred hours of
43 said instruction consisting of practical shop work in installation
44 and service on standard refrigeration and air-conditioning
45 equipment of various types, together with one year's experience
46 in the field working under qualified licensed personnel. A per-
47 son lacking the qualification listed in the above paragraph may
48 apply for licensing by submitting proof of three years' practical
49 experience in the field on installation and service, provided they
50 meet all other qualifications set forth. The applicant shall, in
51 addition, be required to take and complete to the board's satis-
52 faction, a written and practical examination. It is hereby
53 understood that it is the responsibility of the board to prepare
54 examinations that will probe the applicant's theoretical and
55 practical knowledge of the art of refrigeration and air condi-
56 tioning. Each qualified applicant for a license examination
57 shall have in his possession a copy of the code for reference
58 while taking the examination.

59 All licenses shall be for the calendar year in which they are

60 issued, and the full fee shall be due and payable irrespective of
61 the date of issuance. No license may at any time for any reason
62 whatsoever be transferred. The board shall fix the times and
63 places for examinations. There shall be at least two members
64 of the board present at any examination of an applicant.

65 All applications and examinations shall be passed through the
66 board who shall examine and issue all licenses. Examinations
67 must be held at least four times each year. Public notice shall
68 be given of all examinations specifying dates, time and place.
69 Such notice shall be given at least thirty days before the date
70 set for examination.

71 At the time of filing an application for examination, the ap-
72 plicant shall pay the sum of ten dollars. Said sum shall be
73 deemed to cover the cost of such examination and shall not be
74 refunded if the applicant shall fail to present himself for ex-
75 amination or obtain a passing mark upon the examination. The
76 examination fee paid by an applicant who obtains a passing
77 mark shall, however, be credited on account of the fee for the
78 license to be issued to such applicant. Before any license shall
79 be issued, the applicant shall pay the entire fee fixed for such
80 license and before the renewal of any license the applicant shall
81 pay the fee fixed for such renewal. The applicant shall pay as
82 a separate item the cost of any consumable items needed for
83 his practical testing. The board may revoke or suspend the
84 license of any person or persons convicted of any violation of
85 this act, its interpretation of the code or any rule or regulation
86 of this board. Except any licensed person or persons must be
87 granted a hearing before a majority of the board members be-
88 fore a license can be suspended or revoked. Notification by
89 registered letter shall be sent ten days before such hearings are
90 conducted. License holders who fail to appear for a hearing
91 after due notification shall not be entitled to further hearing
92 unless prevented from appearing due to illness or hospitaliza-
93 tion which can be certified. No unlicensed person, persons,
94 firm or corporation shall engage in the business or commit the
95 act of installing, repairing, altering or servicing refrigerating
96 or air-conditioning equipment, and no person, persons, firm or
97 corporation shall cause any work to be done by any unlicensed
98 person, persons, firm or corporation, except in the case of a
99 trainee or apprentice who must be working with and super-
100 vised by a licensed man who will be responsible for his acts and

101 the quality of the work performed. Any person, persons, firm
102 or corporation who shall violate any of the provisions of this
103 act shall be liable to a penalty of two hundred dollars. Any
104 penalty imposed by this chapter when collected shall be paid
105 to the board.

106 *Section 4.* The board shall make no rule or regulation which
107 will be in conflict with the provisions of chapter one hundred
108 and forty-one or chapter one hundred and forty-two, or with
109 any rules, regulations or electrical or plumbing codes adopted
110 under the authority of said chapter one hundred and forty-one
111 or chapter one hundred and forty-two, or with the right of li-
112 censees under said chapter one hundred and forty-two to act
113 as gasfitters as provided in section three thereof.

114 *Section 5.* Nothing contained in this chapter shall be con-
115 strued so as to authorize a licensee under this chapter to per-
116 form any work or services which may only be performed by
117 licensees under chapter one hundred and forty-one or chapter
118 one hundred and forty-two.

1 SECTION 3. Any person or persons who shall furnish satis-
2 factory proof to the board of having been engaged in the busi-
3 ness of refrigeration or air conditioning, in erecting, installing,
4 servicing and maintaining refrigeration or air-conditioning
5 equipment for at least three years in this commonwealth at the
6 time this act becomes effective, shall be granted a limited or
7 unlimited license as the case may warrant, without formal ex-
8 amination upon payment of the prescribed fee; provided, that
9 the application therefor is made within ninety days after the
10 effective date of this act.

HOUSE

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