

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

John H. Rogers

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Licensing Home Appliance Servicicers.

PETITION OF:

NAME:

John H. Rogers

DISTRICT/ADDRESS:

12th Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO LICENSING HOME APPLIANCE SERVICERS.

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 94 of Chapter 143 of the General Laws,
2 as appearing in the 2000 Official Edition, is hereby amended by
3 adding the following clause:—
4 (m) To issue licenses in accordance with chapter 143A.

5
6 SECTION 2. The General Laws are hereby amended by
7 inserting after chapter 143 the following chapter:—

8

9 **CHAPTER 143B.**

10 **LICENSING OF HOME APPLIANCE SERVICERS (H.A.S).**

11

12 Section 1. As used in this chapter, the following words shall
13 have the following meanings:

14 “Administrator”, the administrator of the state board of
15 building regulations and standards, an agency within the executive
16 office of public safety.

17 “Board”, the state board of building regulations and standards
18 established by section 93 of chapter 143.

19 “Licensee”, a person, firm, partnership or corporation licensed
20 under this chapter may disconnect and reconnect hardwiring,
21 water connections and gas connections necessary to repair or
22 replace an appliance.

23 “Appliance”, any appliance manufactured which may require
24 the tech to disconnect and reconnect electric, water and gas.

25 “H.A.S.”, a person, firm, partnership or corporation engaged in
26 installing, maintaining, servicing or testing appliances.

27 Section 2. No person, firm, partnership or corporation shall
28 enter into, engage in or work at the business of installing or
29 repairing appliances for which a permit is required unless such

30 person, firm, partnership, or corporation shall have received a
31 license issued by the administrator in accordance with this
32 chapter.

33 As used in this chapter the words "Class I licensee" shall mean
34 a person, firm, partnership or corporation who performs the work
35 of installing, manufacturing, altering, servicing, testing or maintaining
36 any household appliances. Applicants for a "Class I
37 license" shall have five years experience in installing, servicing,
38 maintaining and testing household appliances working under the
39 supervision of a "Class I licensee". As used in this chapter, the
40 words "Class II licensee" shall mean a person, firm, partnership or
41 corporation qualified to install, maintain, alter or service household
42 appliances Applicants for a "Class II license" shall have
43 three years experience in installing, servicing, altering, testing and
44 maintaining appliances, working under the supervision of a "Class
45 I or Class II licensee", or shall be a graduate of a appliance repair
46 program at a licensed school accredited by the Accrediting Commission
47 of Career Schools and Colleges of Technology. A Class I
48 or Class II licensee shall not install, maintain, alter, service, manufacture
49 or test any wiring, which is regulated pursuant to
50 chapter 141 or section 3L of chapter 143.

51 Section 3. The administrator, in consultation with the board,
52 shall be responsible for the implementation of this chapter and the
53 promulgation of such rules and regulations as he shall deem necessary
54 to implement this chapter. Prior to the adoption, amendment
55 or repeal of a rule or regulation, the administrator shall give
56 notice and hold a public hearing in accordance with the requirements
57 of chapter 30A.

58 A person desiring to be licensed as a H.A.S. shall make a
59 written application under oath to the administrator on a form provided
60 by him. The application shall set forth the information
61 requested by the administrator.

62 It shall be the duty of the administrator to develop and conduct
63 a written examination for each category of license and to issue
64 and deliver a license to all applicants who have passed the examination
65 for licensure under this chapter unless the applicant complies
66 with the following paragraph:

67 At any time prior to June 1, 2008 the director shall, without
68 examination and upon payment of the appropriate fees, issue a
69 license to an applicant who has presented satisfactory evidence
70 that he has the qualifications for the type of license applied for,
71 and who has been engaged in the occupation or business of
72 installing, altering, servicing, maintaining home appliances covered
73 by such license for a period of five years in the case of an
74 applicant for a "Class I" and three years of appliance repair experience
75 or graduation from a appliance repair program at a licensed
76 school accredited by the Accrediting Commission of Career
77 Schools and Colleges of Technology in the case of an applicant
78 for a "Class II" license. A person who, being qualified to obtain a
79 license under this section, is prevented from making application
80 therefore by reason of service in the armed forces of the United

81 States shall have three months after discharge to make an application.

82 Each applicant for a license under this chapter shall pay a registration
83 fee in an amount to be determined by the commissioner of
84 administration. The fee shall be payable upon application for a
85 license and upon renewal. All fees collected pursuant to this
86 section shall be retained by the board for the implementation of
87 this chapter. A licensee shall submit to the administrator such
88 information as the administrator may require and shall be issued a
89 license.

90 Each license issued by the administrator shall bear a number,
91 shall be valid for three years from the date of its issuance, may be
92 renewed upon proof of continuing experience or education as
93 required by the director, shall not be transferable and shall be
94 exercised only by the licensee.

95 Section 4. No individual or contractor shall undertake, offer to
96 undertake, or agree to perform home appliance installation, alteration,
97 maintenance and testing of appliances for which a license is
98 required under this chapter unless licensed therefore with the
99 approval of the state board of building regulations and standards.

100 In those municipalities where a permit for appliance service is
101 required, the applicant shall show proof of license by the com-
102 monwealth, along with the applicant's license number, in order to
103 qualify for a local permit. The license under this chapter shall
104 supersede all local license requirements.

105 Each permit and advertisement for appliance service shall display
106 the licensee's license number.

107 A licensee shall affix the license number in a conspicuous place
108 on each work order for each appliance installed, altered, maintained
109 or serviced by him.

110 Section 5. An individual or contractor who knowingly, willfully
111 or negligently operates without having first obtained a license as
112 required by this chapter and who is not otherwise exempt from the
113 licensing requirement or an individual or contractor who continues
114 to operate after revocation of, or during suspension of his
115 license, or who fails to renew his license, shall be punished by a
116 fine not exceeding \$100 per day. If the administrator concludes,
117 after consultation with the board, that the continuing conduct by
118 any person alleged to be in violation of this chapter may result in
119 substantial or irreparable harm to another, he may seek a temporary
120 or permanent injunction from the superior court of the county
121 in which the alleged violation is occurring or the county in which
122 the violator has its principal place of business.

123 The administrator shall not be required to file a bond or to show
124 a lack of an adequate remedy at law when seeking an injunction
125 under this section against a person, firm, partnership or corporation
126 not licensed under this chapter.

127 Section 6. This chapter shall not be construed to relieve or
128 lessen the responsibility of a person licensed under this chapter,
129 nor shall the commonwealth be deemed to have assumed any liability
130 by reason for the issuance of a license.