

Senate Docket 2234
AFAA-NE Perspective

AFAA-NE is not in favor of this legislation as it speaks against licensed trades that are already regulated and defined by Massachusetts General Law and supervised by the Code of Massachusetts Regulations, and a system of permitting that is already in place and enforceable by the wiring inspectors and building officials.

The heart of this law is: (1) permits can be purchased in bulk quantities, not assigned to any street address, and shall be valid for one year from date of purchase, and (2) fees for said permits are limited to \$55.00.

This proposed law (1) ignores the existing definitions of the Alarm and Electrical trades set forth in the Massachusetts General Laws and Code of Massachusetts Regulations, (2) ignores the permitting structure for electrical work as set forth in Massachusetts General Law and Code of Massachusetts Regulations, (3) disregards fee structures recognized by Massachusetts General Law each city and town is currently allowed to collect for permits in exchange for services provided by the city or town, and finally (4) the requirement for a background check by the Department of Public Safety [S-License] for companies and individuals working on security systems.

This law will be inserted into Part One: Administration of the Government, Title Seven: Cities, Towns and Districts, Chapter 40: Powers and Duties of Cities and Towns, Section 70 (new Section inserted after Public notice of request for proposal)

SECTION 1. Chapter 40 of the General Laws is amended by adding the following section: Section 70. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

“Contractor”, a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the office of consumer affairs and business regulation.

Security Trades and Electrical Trades (Contractors) are already defined in MGL141 Section 1 (these definitions also appear in 237 CMR 12:00)

"Systems contractor", a person, firm or corporation having a regular place of business who, by the employment of systems technicians or apprentices, performs the work of installing, repairing or maintaining wires, conduits, apparatus, devices, fixtures or other appliances used for systems; provided, however, that no systems technician so employed shall have more than one apprentice under his supervision; and provided, further, that not more than one such apprentice shall be employed for each systems technician.

"Systems technician", a person qualified to do the work of installing, repairing or maintaining wires, conduits, apparatus, devices, fixtures or other appliances used for systems.

"Journeyman electrician", a person qualified to do the work of installing, repairing, or maintaining wires, conduits, apparatus, devices, fixtures, or other appliances used for heat, light, power, fire warning or security system purposes.

"Master electrician", a person, firm or corporation having a regular place of business who, by the employment of journeyman or apprentices, performs the work of installing, repairing or maintaining wires, conduits, apparatus, devices, fixtures or other appliances used for light, heat, power, fire warning or security system purposes; provided, however, that no journeyman electrician so employed shall have more than one apprentice under his supervision; and provided, further, that not more than one such apprentice shall be employed for each journeyman electrician.

“Low-voltage alarm system project”, a project related to the installation, maintenance, inspection, replacement or service of a new or existing alarm system, as defined in the NFPA 70: National Electrical Code, and ancillary components or equipment attached to a new or existing alarm system including, but not limited to, home-automation equipment, smoke detectors, carbon monoxide detectors, thermostats and video cameras.

NFPA 70 does not define alarm systems.

Low Voltage systems are already defined in MGL141 Section 1 and Electrical work in general is further defined in 237CMR12:01

"Security system", an inherently power limited system of wires, conduits, apparatus, devices, fixtures, or other appliances installed and interconnected electrically or electronically to permit access control, proprietary signalling, surveillance and the detection of burglary, intrusion, holdup, or other conditions requiring response or the transmission of signals or audible alarms.

"System", a fire warning, security or other inherently power limited system, wire, conduit or device which conducts or consumes electricity and is electrically or electronically activated.

"Fire warning system", an inherently power limited system of wires, conduits, apparatus, devices, fixtures or other appliances installed and interconnected electrically or electronically for the detection of heat, smoke, or products of combustion, or for the transmission of signals or audible alarms.

"Inherently power limited system", a system requiring no overcurrent protection due to design and construction.

Definition of Electrical Work from 237CMR12:01

Electrical Work shall mean the installation, testing, repair, or maintenance of conductors, cables, raceways, apparatus, devices, fixtures, or other appliances used for heat, light, or power functions, or for fire warning, security, or signaling, or comparable power limited functions

where such wiring is permanently connected to a source of electricity or that is permanently controlled through the use of electrical signals, including optical fiber cables.

Additionally, this proposed law ignores the provisions of MGL 147 Section 57-61 that requires Licensed persons and companies to have a DPS issued S-License

(b) This section shall not apply to the installation or replacement of a fire alarm governed by sections 26A, 26B or 26C of chapter 148. 148 26A/B/C relate to Fire Sprinkler and Fire Warning provisions in existing buildings

(c) A local enforcement agency shall make uniform basic permit labels available for purchase by a contractor to be used for the installation or replacement of a new or existing alarm system at a cost of not more than \$55 per label per project per unit.

The State Building Code recognizes municipalities are allowed to set their own fees in 780CMR109.2. The Commonwealth allows cities and towns to set appropriate fees for electrical permits, electrical inspections, and re-inspections.

Permits are required by 237CMR18:01(4)

(4) Any licensee performing electrical installations shall comply with the uniform state electrical permit application and notification processes as set forth in M.G.L. c. 143, § 3L and the Massachusetts Electrical Code, 527 CMR 12.00.

MGL 143 3L: sets rules of notice to local inspector – before the work starts or within five days of start of work, and notify upon completion of work. Fees are set by local jurisdiction, not MGL/CMR.

Each city or town is allowed to set fees required to support the inspection of work, and has fee schedules set and published.

(d) A local enforcement agency may not require a contractor to:

(i) submit, as a condition of purchasing a label, information other than identification information of the licensee and proof of registration or certification as a contractor; and Proof of Licensure and insurance is already established in the existing permitting system

(ii) secure permits other than a low-voltage alarm system permit for installation of such a system provided that the system complies with the definition of low-voltage alarm system project in subsection (a) .

All proposed work is to be declared in the electrical permitting system already in place

(e) A label shall be valid for 1 year after the date of purchase and may only be used within the jurisdiction of the local enforcement agency that issued the label. A contractor may purchase labels in bulk for 1 or more unspecified current or future projects.

The start date and location is to be declared on the existing electrical permitting system in place issued by the Board of Fire Prevention Regulations. A permit cannot be issued without an address of the worksite being declared, and the intended or actual start date. Additionally the Massachusetts State Building Code section 105.5 allows only 180 days (6 months) from the time a permit was issued for the work to commence, or considers the permit abandoned if works stops for 180 days.

(f) A contractor shall post an unused uniform basic permit label in a conspicuous place on the premises of the low-voltage alarm system project site before beginning work on the project.

The Mass State Building Code 780CMR 105.7 already addresses the posting of permits

(g) A contractor may not be required to notify the local enforcement agency before commencing work on a low-voltage alarm system project; provided, however, that a contractor shall submit a uniform notice of a low-voltage alarm system project as provided in subsection (h) to the local enforcement agency within 14 days after completing the project. A local enforcement agency may take disciplinary action against a contractor who fails to timely submit a uniform notice of a low-voltage alarm system project.

237CMR18:01(4) and MGL 143 3L already address this issue, and requires work to be permitted before it commences, or within 5 days after it has commenced.

(h) The uniform notice of a low-voltage alarm system project may be submitted electronically or by facsimile if all submissions are signed by the owner, tenant, contractor or the authorized representative. The uniform notice of a low-voltage alarm system project shall contain the following:

**UNIFORM NOTICE OF A LOW-VOLTAGE
ALARM SYSTEM PROJECT**

Owner's or Customer's Name		Owner's or Customer's Address			
City	State / Zip	Phone Number	E-mail Address		
Contractor's Name		Contractor's Address		City	State / Zip
Phone Number		Contractor's License Number			
Date Project Completed			Scope of Work		

Notice is hereby given that a low-voltage alarm system project has been completed at the address specified above. I certify that all of the foregoing information is true and accurate.

(Signature of Owner, Tenant, Contractor, or Authorized Representative)

The Massachusetts Uniform Electrical permit already exists, and is regulated by MGL 148, MGL 143 and 237CMR, and is required to be handed in, mailed in, or faxed. There is no state provision requiring municipalities to take a permit electronically.

(i) A low-voltage alarm system project may be inspected by the local enforcement agency to ensure compliance with applicable codes and standards. If a low-voltage alarm system project fails an inspection, the contractor shall take corrective action as necessary to pass inspection.

MGL 166 32 already requires the inspector of wires to inspect wires in buildings

(j) A municipality, county, district or other entity of local government shall not adopt or maintain in effect an ordinance or rule regarding a low-voltage alarm system project that is inconsistent with this section.

This entire proposed law competes with or conflicts with many State General Laws already declared above. Municipalities have been prohibited to compete with the State Building Code since January 1, 1975 by Chapter 802 of the Acts of 1972, Section 75.

(k) A uniform basic permit label shall not be required for the subsequent maintenance, inspection or service of an alarm system that was permitted pursuant to this section.

780CMR recognizes that maintenance functions do not need permits

SECTION 2. Notwithstanding any general or special law to the contrary, section 70 of chapter 40 of the General Laws shall apply to low-voltage alarm system projects for which a permit is required by a local enforcement agency without regard to the date of construction.

237CMR18:01(4) and MGL 143 3L already address this issue, and requires work to be permitted before it commences, or within 5 days after it has commenced.

SECTION 3. (a) A local enforcement agency charging more than \$55 but less than \$175 for a uniform basic permit label as of January 1, 2015 may continue to charge the same amount for a uniform basic permit label issued pursuant to subsection (c) of section 70 of chapter 40 of the General Laws until January 1, 2016.

(b) A local enforcement agency charging more than \$175 for a uniform basic permit label as of January 1, 2015 may charge a maximum of \$175 for a uniform basic permit label issued pursuant to said subsection (c) of said section 70 of said chapter 40 until January 1, 2016.

The State does not set permit fees, and provides for each city and town to set its fees in MGL Ch40 Sec 22F.